

THE
MONTHLY ANTHOLOGY,

FOR

JANUARY, 1811.

ADDRESS OF THE EDITORS.

IN addressing our readers at the commencement of a new year, it may be expected, either that we are about to minister to our own self complacency by reviewing our past labours, or to feed the hopes of our friends with generous promises for the future. At once to put an end to mere conjecture, we must observe that no other motive operates in the case, than that which is derived from precedent: we choose not at present to omit, what for so many years has been performed.

If we are asked what we have done to deserve the thanks and patronage of the publick, we are no doubt obliged to answer the question, and, as far as possible, to vindicate our claims to both. It is very certain, however, that we shall not make out our title to either, by fair professions of disinterested exertions in the cause of learning. The publick takes no cognizance of motives in matters of taste. A good-natured man may write originally for his own amusement, and afterwards print for the amusement of others. But if he chance to fail in the last attempt, which by the way it is rather more probable he will do than in the first; they who are as good-natured as himself, may yet think themselves entitled to a laugh; and a laugh carries with it more terrours to an author than all the frowns of the satirist. We are aware that we cannot persuade our readers to be grateful for any thing we present, unless they esteem it of positive value. And in consequence of their different sorts of taste, degrees of learning, and extent of intellectual capacity, their decisions will be various upon what we offer them. A censor of a severe and saturnine stamp will set down to the sum of graceless levity, what

another of a more cheerful cast will regard as the innocent recreation of literature. If a man's favourite opinions happen to be assailed, we must lay our account in meeting nothing less than the charge of ignorance or prejudice. Sensibility to the literary reputation of friends seems also to be a very prominent and, not unamiable virtue among some, whose good opinions we should take no pains to alienate; and this adds one more to the catalogue of those difficulties not connected with the well or ill performance of our duties which we must sometimes contend with.

Since the readers of such a work as we wish the Anthology to be, must of necessity be not very numerous, the contraries of character and inclination, which we are often called on to gratify and regard, must sometimes occasion embarrassment, as well in our personal contributions, as in our selections for the work; and in our remarks on the works of others, since the adventurers for the meed of literary fame are few, and often personally known to us, an unwillingness to give offence is liable to check that boldness and freedom of criticism, which, however mortifying it may sometimes prove to individuals, is in the main a great publick good.

There are here no parties among literary and scientific men; except political and religious parties, and such as spring merely from collisions among professional gentlemen. These parties, though they serve to sharpen the wits and raise the zeal of those who are engaged in them, do not necessarily promote the cause of learning; and they are sure to impair that of benevolence. We do not therefore voluntarily enlist in the service of any party; yet when we are either called in the way of defence, or impelled by a sense of duty, to become militant either in affairs of church or state, we do not shrink from the contest. We always lament the occasion, but cannot always refuse taking our share in resisting every species of bigotry and intolerance; especially in religion, where our highest interests are involved.

In countries where literature as such is as much a business as any profession or handicraft, and every caterer in letters knows what sort of guests he has to provide for, and how he can best gratify their tastes; with tolerable talents for his office, he is sure to derive a profit from his employment. Opposition strengthens his friends, and makes him more sedulous to please them; but the absence of it is indifference, fre-

quently a fatal indifference. Here, on the other hand, union is strength, and opposition, to be harmless, must also be solitary and scattered.

One of the greatest inconveniences we experience from month to month is that which arises from the want of an editor devoted to the work, whose literary reputation would be in a measure at stake. Hitherto the receipts of the Anthology have not enabled us to make such a provision. One of our number has voluntarily assumed the responsibility of seeing the work through the press; and when the materials have not been furnished to his hands, he has been obliged to make such hasty selections, in order to complete the requisite number of pages, as his leisure amidst professional engagements would permit. For this evil we have the prospect of a speedy remedy, and if our hopes are not disappointed, the Anthology will be placed under the peculiar care of a gentleman, whose learning, talents, and taste, will enable him to make it all that its friends can desire. Those who have hitherto contributed to it, will still continue their exertions; and will, we hope, acquire new energy from the recollection that they are writing in the cause of a friend. If this should take place, we shall, we trust, be able, *Paulo majora canere*.

In looking over the contents of the Anthology for the last year, we find fewer occasions than we could wish, for expressing our thanks to correspondents. But we recollect with grateful pleasure the entertainment we have received from the journal of a tour in Spain, from the philological disquisitions of a distant correspondent, and from the delicate verses of the author of *Myrtilla*, who had before favoured us with that amusing, and highly poetical ballad, *The Paint-King*.

We have only to subjoin our thanks to new subscribers, and those who continue to patronize the Anthology. Our aim is to afford them rational entertainment: when *they* are disappointed, *we* are mortified. If we cannot always provide for them what we wish, we had rather put before them a dry morsel, than any thing nauseous or disgusting. In this way, if we are sometimes obliged to offer for their acceptance, what is not the best in its kind, we shall always, we hope, avoid offering that which is positively bad. The work, however, must be of no inconsiderable value, as a general repository of elegant letters, and will not be condemned by generous criticks, because it is not always equally interesting.

FOR THE ANHOLOGY.

EXTRACTS FROM THE JOURNAL OF A GENTLEMAN ON A
VISIT TO LISBON.

(Continued from page 369, vol. ix.)

Lisbon, September 19.

ON Tuesday we went on shore for the second time. Not being able to get back early enough to go on board, we determined to remain in town for the night, and trust to fortune for a lodging. We found it, however, a more difficult matter than we had supposed to procure one. The coffee-house, for so it was called, where we dined, was unable to furnish a hole to put our heads in. As for beds, I question much whether they ever had such an article of furniture in the house. Indeed we dined there only by compulsion ; for we could discover in the course of our inquiries no other place which seemed to promise any thing eatable ; that is to say, any thing which our stomachs could swallow. Here they gave us soup and bouillè. The soup appeared to be the scourings of the kettle. The second course was an omelet mixed with *tomates* and garlick, fried in such villainous oil that I was nearly poisoned. We had afterwards a cat that weighed eight pounds ; the landlord said it was a fricaseed rabbit.

We were about to give up the idea of a resting place in despair, when it was resolved as a dernier resort to make trial of a low-lived-looking sort of a wine-house, decorated with the sign of General Washington, hung out, I suppose, as a lure for such unfortunate Americans as may chance to pass by, whose patriotism is of a sufficiently substantial nature to supply the deficiency of other food. Even this house, uninviting as it appeared, was filled with English officers, in a similar predicament with ourselves. Such a miserable want is there in this vast city of any thing like a hotel. Mine host, whose tongue bespoke him a German, though he called himself an American, told us that it was out of his power to furnish us with beds, the only two he possessed being already bespoken. All the apartments in the house, except the billiard room, were also occupied. After a good deal of deliberation he said that provided we would consent to sleep on the billiard table, he would endeavour to provide us a couple of mattresses. Finding that there would be no possibility of bettering ourselves, we e'en thought best to take up with his proposal.

It was with no little difficulty that he was enabled to fulfil his promise. He succeeded at last in procuring two mattresses, but of such an appearance, that, unless I had been exceedingly weary, I should infinitely have preferred sitting up all night to reposing on them. Mine possessed every variety of hill and dale. In some parts its thickness was about an inch, and the materials with which it was stuffed were of so solid a nature, that it seemed to be filled with potatoes. Compared to it, Damien's couch of steel was a *thrice driven bed of down*. I passed

Such a miserable night,
"That as I am a christian, faithful man,
I would not spend another such a night,
Though 'twere to buy a world of *easy* days."

My couch possessed an infinity of nooks and corners, where its inhabitants lay in ambush, and from whence they sallied out by thousands to attack whoever was rash enough to trespass on their territories. Never before was martyr so *flead*.

Yet this was but one of the miseries. The house was part of a convent of barefooted friars, and the chapel belonging to it was contiguous to our *bed-chamber*; the rooms over head being wholly occupied by the reverend brothers. Thus during my intervals of rest from the work of destruction and bloodshed in which I was occupied, my ears were most agreeably entertained by the sonorous musick of our neighbours, who were chanting without ceasing a moment the whole night. I suppose they were singing anthems on their deliverance from the French. A certain convocation of politick dogs, of which the number here is incredible, likewise assembled before the house. These animals belong to nobody, but they prowl in herds about the streets at night, annoying every body. They were probably attracted by the sweet sounds that issued from the convent, and accordingly planted themselves under our windows, where they did all in their power to render the serenade more musical. The softness of the concert was moreover increased by a company of cats, that were courting in an adjacent lobby, and saying tender things to each other in most vile Portuguese.

Through the assistance of an English gentlemen, who is one of the factory here, we have succeeded to our satisfaction in procuring lodgings, and are already established in our new

quarters. Our house, which consists of eleven stories, is one of the highest in Lisbon. It is built on the declivity of a hill, and looks on the south toward the Tagus. We are lodged in the upper story, and occupy a suite of six apartments, so that there is a view from the balconies and windows on each side the house, and most beautiful indeed is the prospect. To be sure, it is something of a labour to climb up so high, and would not be very pleasant in case of an earthquake.

Our hostess is an Irish lady who has lived here many years. One of her countrymen not long since became enamoured of her charms, and persuaded her, *nothing loth*, to enter into the matrimonial state. No sooner, however, had the false-hearted swain got possession of the only treasures he was in love with, than he made off without saying adieu to his bride, leaving her *to pine in secret*, in which melancholy condition she has since continued. Her figure is not very striking, nor is her face remarkably prepossessing; though among Portuguese women she will pass for handsome. She is moreover *somewhat declin'd into the vale of years*, and has an unfortunate cast in one of her eyes, which induced me the first time I saw her to imagine, while she was speaking to me, that she was looking out of the window. The other, like Polonius's, *purges continually thick amber and plumb-tree gum*. Yet, to counterbalance any want of personal charms, she is a good housewife, and withal very pious. We have that rare luxury here, clean rooms and good beds, to know the value of which, it is necessary to pass such a night as I did on the billiard table.

My landlady, as I intimated, is a zealous catholick, and the walls of our apartments are decorated accordingly, with a profusion of saints. At the head of my bed hangs a picture of *nossa senhora dos dolores*, (our lady of sorrows,) representing the Virgin Mary holding the head of Christ in her lap, while six long swords are sticking through her body. The subject of another is the miraculous removal of the holy house from Jerusalem to Loretto. The Virgin Mary is seen flying through the air with a two story house of red brick under her arm. His holiness the Pope is standing at the water side with his hands elevated in the act of catching it, accompanied by an elderly gentleman in a pea-green coat and tye-perriwig.

From morning till midnight a posse of beggars lay regular siege to the doors, which open immediately into the street, and if the waiter, (of whom there is seldom more than one,)

chances to turn his back, you will find in a twinkling two or three tatterdemalions at your elbow. Let you be sitting in the most distant part of the room, they will come without ceremony up to the table. It is by no means a very pleasant accompaniment to a breakfast to have these gentry shaking their rags in your face, independent of the risque you run of receiving a colony of the live stock which they generally carry about them. Never did I behold objects so horrible as some of the beggars here. It is indeed a most melancholy and disgusting sight to see such an immense assemblage of miserable wretches, made monstrous by nature and their own vices, as infest the streets.

Of this multitude, many rove about from place to place, while others have their fixed and regular stations. Here they remain crying out continually in the most doleful cadence, wearying you to death as you pass, with everlasting supplications for the love of God, the most holy Virgin *Maria santissima dos Dolores*, and St. Antonio. They most faithfully promise, if you will bestow your charity, to mention your name to *Nossa Senhora* in their prayers. Some of them practise artifices to excite compassion. A friend of mine told me that one of them fell down before him, as he was walking along the other day, pretending to be expiring through hunger, by which means he obtained a considerable present. He afterwards saw the fellow in another part of the town rehearse the same theatrical feat, though not so successfully as before. Many of the beggars whom you meet, are, according to the order of the day, decorated like the rest of their fellow citizens, with that patriotick badge, the Portuguese cockade. They are also strict observers of the national costume. They are wrapped up in cloaks, have their hair queued, and wear a *chapeau bras* of vast circumference. The politeness of these gentlemen to each other when they meet, is also a remarkable trait in their character. They take off their hats with the most courtly ceremony, bow down to the ground, embrace, and reciprocally present their snuff-boxes; which last is considered by a Portuguese as the highest mark of civility which one human being can pay to another. No one is ever so rude as to refuse taking a pinch.

The number of female mendicants is equally great. The multitude of both sexes is inconceivable. Many of the women are exceedingly well clad. You will often see them

with white muslin handkerchiefs on their heads, and the rest of their apparel comparatively neat. Those of this description do not so much annoy you. Their supplications are more silent, and of course frequently more effectual. This last sort of beggars I am told, do not belong to the regular established fraternity. Their appearance is comparatively very respectable, and they are by no means so insufferably troublesome as the others. Many among them are reduced servants, persons who have been thrown out of employment by the emigration of the court, or the invasion of the French. Their number is however lamentable. I was solicited the other evening by a whole family, a man, his wife, and five daughters, all of whom appeared to have been accustomed to better days.

There is another branch of begging here, in every respect as annoying as the first, and which is carried on with considerably more success; that is for souls in purgatory. The Portuguese consider that whatever they bestow for this object, is so much gained by themselves, as an account current is said to be kept, by which they receive credit when their own souls are in purgatory; and for every penny which they give for the souls of others, a certain deduction will be made from the period of their own duration. Self interest of course operates as a very powerful incentive to this species of charity; and this class of beggars is in a very flourishing condition. The employment is farmed out by different religious societies to certain individuals, who pay annually for their privilege a regular stipend, or sometimes a per centum, on the profits of the year. These persons post themselves in the neighbourhood of the church or convent in whose employ they are, and in their begging are quite as vociferous as the less successful members of the profession. These religious beggars frequently gain a very comfortable subsistence. Their solicitations are made, *pelo amor de Dios & pelas almas. For the love of God and suffering souls.* This class of charity is considered much the most meritorious, and those persons, whose limited means do not allow them to give much away, bestow all that they do give on the purchase of masses for the souls of such unfortunate wights as have died without leaving *sixpence to save themselves from the flames.* They think it is their duty, having little to give, to take especial care that this little should be applied to the

most useful purpose. Of how much less importance is it to save a fellow-creature from the trifling inconvenience of starvation in this world, than to rescue his soul from ages of fire and brimstone? Such convents as do not employ agents to beg for them have boxes at the doors with most piteous inscriptions, imploring the charitable for the love of all the saints in heaven, to drop a little money into them. In order more effectually to awaken compunction in the hard hearted and unfeeling, divers views taken from the regions of purgatory are painted on the boxes in the most fiery colours. These miserable wretches are seen in all the agonies which hell flames can communicate, lifting up their imploring eyes in anguish and indignation to those of their relatives and friends who are so stingy and niggardly, that they will suffer their souls to remain in these abodes of torment, sooner than put a few farthings into the box. How any one can be so unfeeling as to grudge a little money to secure a tolerable reception for an acquaintance in the other world, or to allow a neighbor's soul to continue in torture when these pictures salute his eyes, I cannot for my part possibly conceive. Every thing in this country is done for the love of God and for souls. The convents send out the fruits, which their gardens produce to be sold, in order, as they say, to perform masses with the money, though the proceeds of their sales are generally appropriated in a much more substantial manner. The fruit, which is most usually grapes or figs, is hawked by little boys about the streets, vociferating with all their might, *uvas pelas almas! figos pelas almas! grapes for the souls! figs for the souls!* and intreating all good christians to buy some of their cargo. They are by far the most successful traders in Lisbon, and very speedily dispose of their load, as a Portuguese will much more readily purchase of them than of the *lay* fruit sellers. He thinks it is in a certain degree cheating the Devil; and it is also, as it were, killing two birds with one stone, as he fills his belly and stands an additional chance of saving his soul. Cigars *for the souls*, made by nuns, are likewise cried through the town by little bandy-legged urchins, who run about with lighted oakum.

SEPTEMBER 24.

The Portuguese are great lovers of bell-ringing. Immediately opposite to our lodgings is a convent of Franciscans

which to those who are partial to this sort of musick is another strong recommendation. As for myself, I must confess that I am so much of a heretick as not to be remarkably fond of it. However agreeable the sound may be to the people here, it is to me an insufferable annoyance. At first I supposed it to proceed from the present occasion of rejoicing, and comforted myself that it would soon be over. But alas! I have been miserably mistaken. All days I find are alike. The noise never ceases. The discord is everlasting. From dawn till midnight, and indeed all night, there is an eternal ding dong of great bells and small. We can sometimes scarcely hear one another speak. Of all the monks in Lisbon our neighbours are most particularly attached to the amusement. It appears to be their only employment. It is the first sound which salutes my ears when I wake, and the last which rings in my ears at night. Twenty times an hour I wish the monks and the bells at the Devil. By the way, it is well understood that Satan is afraid of bells, or at least that he has a singular antipathy to the sound. Indeed, in this respect, I much approve the taste of his infernal majesty, in which I have the honour most fully to coincide. This I believe is one reason of the incessant ringing, for so long as he hears the sound, it is supposed that he will fear to approach. By this means they are always enabled to defy the Devil, and keep him at bay.

It is utterly impossible for one who has not been here to have an adequate idea of the filth of this city. Such things as pipes and common sewers are unknown. The streets are the receptacle of every species of uncleanness and corruption, and there can be no greater proof of the excellence of the climate than the absence of a perpetual plague. In order that the balconies in rainy weather may be preserved against the wet, the spouts for conveying water from the roofs of the houses are made to project very far into the street. Here the water lies stagnant in the middle of the street, and mixing with the heaps of accumulated filth forms puddles, that are frequently impossible to pass, and which continue until dried by the sun, or swept away by the wind. It consequently requires no small share of skill and knowledge of geography in walking the streets to avoid foundering in some of these bogs, or running foul of a dunghill, especially in those narrow streets where the dirt is never washed away by the rain. In many of those which are most frequented, there is only a narrow path

winding near the sides of the way, where there is any possibility of walking. It may easily be conceived how agreeable it must be between such a Scylla and Charibdis to encounter carriages, carts, horses and mules, and to jostle with a multitude of people all equally anxious with yourself to avoid being thrust against one of the neighbouring mountains of dung. With the utmost care you can seldom escape being splashed and bespattered from top to toe. When there is no moon, the streets at night are in a state of Egyptian darkness. The lamps are never lighted. The city is illuminated only by the dim tapers which are placed here and there at long and unequal intervals before the image of some saint. The feeble rays which they emit serve only to heighten the surrounding gloom, and to make the *darkness visible*. The city is badly paved with small sharp stones that cut your feet, and the streets are so steep that many of them you are actually obliged to climb up. These circumstances render walking at noon day exceedingly disagreeable, but when added to the obscurity of the night, and the facility which is thereby afforded to the perpetration of murder, you cannot walk abroad at unseasonable hours without danger.

Lisbon has ever been infamous for the frequency of assassinations, and for the boldness of its assassins; and there is perhaps no city in Europe, where deeds of darkness can be committed with such impunity. But at the present moment these perils are infinitely increased. Not a night passes but we hear of a dozen murders: of French centinels who have been stabbed by parties of the populace, and of numbers of the latter who have been killed in retaliation by the French soldiers. Only two evenings since there were three murders before my door. Walking at night is thus rendered unsafe as well as highly disagreeable. You are also, if you would go any considerable distance, under the necessity of passing through a French camp, which is by no means a pleasant affair. I have several times found myself among them before I was aware of the circumstance, and have only been apprised of my proximity by the hoarse voice of the centinel, exclaiming *Qui vive? Ne boutez la*, and not seldom by finding his bayonet at my breast. The frequency of assassination was, however, always such as to render it perilous to walk alone at night. In the most peaceable times, every night was marked by bloodshed. The most audacious robberies were constantly com-

mitted ; and robbery was ever accompanied by murder. The punishment of death was very seldom inflicted for the offence, no severer sentence being passed on the culprit than transportation to Angola, or the Indies. To this cause must be attributed the frequency of the crime. To such a pitch of boldness had they risen that murders were often committed even at noon-day. The inhabitants, instead of endeavouring to arrest the criminal in his flight, by a kind of infatuation seem willing and eager by every means in their power to facilitate his escape. They exclaim when they see him pursued *Coutadinho ! alas, poor fellow*, and do whatever they are able to assist him in his flight. The usual price of a bravo is not more than a moidore, and should he be discovered in the execution of his villainy, he has only to take refuge in a convent. In the sanctuary he is safe.

(To be continued.)

SILVA, No. 71.

* * Tacitum silvas inter reptare salubres,
Curantem quidquid dignum sapiente bonoque est.

MONTESQUIEU

IN chap. 13eme De l'Esprit des Lois, with his usual brevity and acuteness expresses in a short metaphor his idea of the nature of a despotick government.

Quand les Sauvages de la Louisiane veulent avoir du fruit, ils coupent l'arbre au piè et ceuillent le fruit. Voilà le Gouvernement despotique. A sentiment worthy of the free spirit of Demosthenes, and an image worthy of the genius of Homer. These few words are the whole chapter.

BEZA.

THE celebrated Theodore Beza during his life, married three wives. This fact has been commemorated in the following lines.

Uxores ego tres vario sum tempore nactus,
Cum juvenis, tum vir factus, et inde senex,
Propter opus prima est validis mihi juncta sub annis,
Altera propter opes, altera propter opem.

The force is lost by translation.

FRANCIS I.

OF all the monarchs who have filled the French throne, there was never a more fickle one than Francis. Among the many curious stories related by Jortin, there is one which illustrates this trait in his character very fully. Castellanus in his funeral sermon on this monarch, who was his good patron, declared his hope that he had gone directly to Paradise. This gave great offence to the Sorbonne, which sent deputies to complain of it at court. But they were coldly received: and Mendoza, the king's steward, told them that he knew his old master's temper better than they; that he never could endure to remain long in any place; and that if he went into Purgatory he only stopped there just to take a gill of wine, or so.

THE THUMBS.

AMONG the Romans it was a sign of approbation to turn the thumbs downward,

Fautor utroque tuum laudabit pollice ludum. HOR.

But of displeasure and disgust to raise them and turn them out.

—— converso pollice vulgi
Quemlibet occidunt populariter. JUV.

LUTHER

WAS born at Isleben, in the county of Mansfield, on the tenth day of November, 1483. His name in his native language was Lutter, which afforded some one of his numerous adversaries a subject for the following lines, more remarkable for their scurrility than their wit.

Germanis *Lutter* scurra est, est Latro Bohemis.
Ergo quid est *Lutter*? scurra latroque simul.

SMALL TOWNS

ARE said by Sorbriere to be liable to the following plagues; a lawyer with great knowledge, great sophistry, and no judgment; an eminent physician with little skill or conduct; a preacher without conscience; a quarrelsome knight at arms; a politician without principles; and a man of letters who eternally dogmatizes.

JOHN LILBURN

Was one of the presbyterians and rebels in the time of Charles the First. He was so notorious for his quarrelsome disposition, that Judge Jenkins said to him, "That if the world was emptied of all but himself, Lilburn would quarrel with John and John with Lilburn." This trait in his character, and probably this observation, gave occasion for the following lines at his death :

Is John departed, and is Lilburn gone?
Farewel to both, to Lilburn and to John.
Yet, being dead, take this advice from me,
Let them not both in one grave buried be :
Lay John *here*, and Lilburn *thereabout*,
For if they both should meet they would fall out.

MARTIAL.

THE following is an unacknowledged translation from Martial. I forget the author :

"I do not like thee, Dr. Fell,
The reason why I cannot tell,
But I don't like thee, Dr. Fell."

This method of making the first and third line rhyme to the second, is not unpleasant. It gives an air of compactness. Martial writes

"Non amo te Sabidi—non possum dicere quare
Hoc possum tantum dicere—non amo te."

The epigram has little merit. The capricious dislike of no man is worth recording. The translation is better than the original; for in the latter, "*hoc possum tantum dicere*," which constitutes one fourth of the epigram, is mere verbosity.

SACERDOTES POST MORTEM.

It was not uncommon in the fifteenth and sixteenth centuries, for the higher class of society, however dissolutely they might have lived, to be buried in the habit of monks. Baldus, in the year 1400, Christophorus Longolius, in 1522, and Agricola, in 1485, were buried in the habit of a Cordelier. Petrarch, in 1374, and the Duke of Parma, in 1592, were buried as they had desired, in the robes of a monk. Marot, in one of his poems, ridicules Albertus Pius, 'who,' says he, 'turned monk after he was dead.' Jortin, in noticing this circumstance, observes, "This calls to mind a story, which I have

seen somewhere. A certain prince, who had led a very wicked life, was carried to his grave in the humble disguise of a monk. A woman, whose husband he had murdered, seeing the masquerade go by, cried to him, Ah you dog! you think you are finely concealed under that habit; but Jesus Christ will find you out!

GAMING.

"I FORESEE," said Montesquieu to a friend visiting him at La Brede, "I foresee that gaming will one day be the ruin of Europe. During play, the body is in a state of indolence, and the mind in a state of vicious activity."

LEO X.

ON the elevation of Leo X. to the papal throne, triumphal arches, and statues, and mottoes were arranged in the streets, through which he was to pass, in order to take possession of the Lateran see. Agostino Chisi, a rich merchant, adopted on this occasion an inscription, which refers with some degree of freedom to the preceding pontificates of Alexander VI. and Julius II.

Olim habuit Cypris sua tempora; tempora Mavors
Olim habuit, nunc sua tempora Pallas habet.

"Once Venus rul'd, next Mars usurp'd the throne;
"Now Pallas calls these favour'd seats her own."

This device was no sooner exhibited, than Antonio da S. Marino, a goldsmith, who lived near him, displayed an elegant statue of Venus, under which he inscribed in allusion to the former lines:

Mars fuit; est Pallas; Cypria semper ero.

"Once Mars prevail'd; now Pallas reigns;
"But Venus yet her power retains."

OBSERVATIONS ON THE CRIMINAL LAW OF ENGLAND.

THE following Observations contain the substance of a Speech delivered in the House of Commons on the 9th Feb. 1810, on *moving for leave to bring in bills to repeal* the Acts of 10 and 11 Will. III. 12 Ann. and 24 Geo. II.; which make the crimes of stealing privately in a shop, goods of the value of five shillings; or in a dwelling-house, or on board a vessel in a navigable river, property of the value of forty shillings; capital felonies. Some arguments are added, which on that occasion were suppressed, that the patience of the House might not be put to too severe a

trial. Inaccuracies of style might have been corrected, if the Author's occupations would have allowed of his rendering this pamphlet as little unworthy of being offered to the publick, as he could have wished : but to be useful, it was necessary that this publication should appear before the fate of the bills, which are now depending in parliament, was decided ; and his only object in publishing it is, that it may be useful.

THERE is probably no other country in the world in which so many and so great a variety of human actions are punishable with loss of life as in England. These sanguinary statutes, however, are not carried into execution. For some time past the sentence of death has not been executed on more than a *sixth part* of all the persons on whom it has been pronounced ; even taking into the calculation crimes the *most atrocious* and the most dangerous to society ; murders, rapes, burning of houses, coining, forgeries, and attempts to commit murder.—If we exclude *these* from our consideration, we shall find that the proportion which the number executed bears to those convicted is, perhaps, as *one to twenty* :—and if we proceed still further, and, (laying out of the account burglaries, highway robberies, horse-stealing, sheep-stealing, and returning from transportation), confine our observations to those larcenies, unaccompanied with any circumstance of aggravation, for which a capital punishment is appointed by law, (such as stealing privately in shops, and stealing in dwelling-houses and on board ships, property of the value mentioned in the statutes,) we shall find the proportion of those executed reduced *very far indeed below that even of one to twenty*.

This mode of administering justice is supposed by some persons to be a regular, matured, and well-digested system.—They imagine, that the state of things which we see existing, is exactly that which was originally intended ; that laws have been enacted which were never meant to be regularly enforced ; but were to stand as objects of terror in our statute-book, and to be called into action only occasionally, and under extraordinary circumstances, at the discretion of the judges.—Such being supposed to be our criminal system, it is not surprising that there should have been found ingenious men to defend and to applaud it.—Nothing, however, can be more erroneous than this notion. Whether the practice which now prevails be right or wrong, whether beneficial or injurious to the community ; it is certain that it is the effect not of design ; but of that change which has slowly taken place in the man-

ners and character of the nation, which are now so repugnant to the spirit of these laws, that it has become impossible to carry them into execution.

There probably never was a law made in this country which the legislature that passed it *did not intend should be strictly enforced*.—Even the Act of Queen Elizabeth, which made it a capital offence for any person above the age of fourteen to be found associating for a month with persons calling themselves Egyptians, (the most barbarous statute, perhaps, that ever disgraced our criminal code,) was executed down to the reign of King Charles the first; and Lord Hale mentions 13 persons having in his time been executed upon it at one assizes. It is only in modern times that this relaxation of the law has taken place; and only in the course of the present reign that it has taken place to a considerable degree.—If we look back to remote times, there is reason to believe that the laws were *very rigidly executed*. The materials, indeed, from which we can form any judgment on this subject, are extremely scanty; for in this, as in other countries, historians, occupied with recording the actions of princes, the events of wars, and the negotiations of treaties; have seldom deigned to notice those facts from which can be best collected the state of morals of the people, and the degree of happiness which a nation has at any particular period enjoyed.—Sir John Fortescue, the chief justice, and afterwards the chancellor of Henry VI., in a very curious tract on absolute and limited monarchy, in which he draws a comparison between England and France; says, that at that time more persons were executed in England for robberies in one year than in all France in seven.—In the long and sanguinary reign of Henry VIII. it is stated by Hollinshed that 72,000 persons died by the hands of the executioner; which is at the rate of 2,000 in every year.—In the time of Queen Elizabeth, there appears to have been a great relaxation of the penal laws; but not on the part of the crown; and Sir Nicholas Bacon, the lord keeper, in an earnest complaint which he makes to parliament on the subject, says, “it remains to see in whose default this is;” and he adds, “certain it is, that her Majesty leaveth nothing undone meet for her to do for the execution of laws;” and it is related, that in the course of her reign 400 persons were upon an average executed in a year.

These statements, however, it must be admitted, are extremely vague and uncertain;—and it is not till about the middle of the last century that we have any accurate information which can enable us to compare the number capitally convicted with the number executed.—Sir Stephen Theodore Janssen, who was chamberlain of London, preserved tables of the convicts at the Old Bailey and of the executions. These tables have been published by Mr. Howard, and they extend from 1749 to 1772. From them it appears, that in 1749, the whole number convicted capitally in London and Middlesex was 61, and the number executed 44; being above two-thirds. In 1750 there were convicted 84, and executed 56; exactly two-thirds. In 1751, convicted 85, executed 63; about three-fourths. In the seven years which elapsed, from 1749 to 1756 inclusive, there were convicted 428, executed 306: rather less than three-fourths. From 1756 to 1764, of 236 convicted, 129 were executed; being much more than half. From 1764 to 1772, 457 were convicted, and of these 233 were executed; a little more than half.—From this period to 1802 there has not been published any accurate statement on this subject.—But from 1802 to 1808 inclusive, there have been printed, under the direction of the Secretary of State for the Home Department, regular tables of the number of persons convicted capitally; and of those on whom the law has been executed; and from these we find, that in London and Middlesex, the numbers are as follows;

	Convicted.	Executed.	
In 1802 . . .	97 . . .	10 about	1-10th
1803 . . .	81 . . .	9 —	1-9th
1804 . . .	66 . . .	8 about	1-9th
1805 . . .	63 . . .	10 about	1-6th
1806 . . .	60 . . .	13 about	1-5th
1807 . . .	74 . . .	14 about	1-5th
1808 . . .	87 . . .	3 —	1-29th
<hr/>			
Total . . .	528	67 rather more than	1-8th

It appears, therefore, that at the commencement of the present reign, the number of convicts executed, exceeded the number of those who were pardoned;—but that at the present time, the number pardoned very far exceeds the number of those who are executed.—This lenity I am very far from censuring; on the contrary, I applaud the wisdom as well as

the humanity of it. If the law were unremittingly executed, the evil would be still greater; and many more offenders would escape with full impunity: much fewer persons would be found to prosecute, witnesses would more frequently withhold the truth which they are sworn to speak, and juries would oftener in violation of their oaths acquit those who were manifestly guilty.—But a stronger proof can hardly be required than this comparison affords, that the present method of administering the law is not, as has been by some imagined, a system maturely formed and regularly established; but that it is a practice which has gradually prevailed, as the laws have become less adapted to the state of society in which we live.

There is no instance in which this alteration in the mode of administering the law has been more remarkable, than in those of privately stealing in a shop or stable, goods of the value of five shillings; which is made punishable with death by the statute of 10 and 11 William III.; and of stealing in a dwelling-house property of the value of forty shillings, for which the same punishment is appointed by the statute of 12 Ann; and which statutes it is now proposed to repeal.—The exact numbers cannot, from any thing that has hitherto been published, be correctly ascertained; but from Sir Stephen T. Janssen's tables it appears, that (after laying out of the calculation the numbers convicted of murder, burglary, highway robbery, forgery, coining, returning from transportation, and fraudulent bankruptcies,) there remain convicted at the Old Bailey of shop-lifting and other offences of the same nature, in the period from 1749 to 1771, 240 persons; and of those no less than 109 were executed.

What has been the number of persons convicted of those offences within the last seven years does not appear;—but from the tables published under the authority of the Secretary of State, we find that within that period there were committed to Newgate for trial, charged with the crime of *stealing in dwelling-houses*, 599 men and 414 women; and charged with the crime of *shop-lifting*, 506 men and 353 women; in all 1,872 persons; and of these *only one was executed*.

In how many instances such crimes have been committed, and the persons robbed have not proceeded so far against the offenders as even to have them committed to prison: how many of the 1,872 thus committed were discharged, because those who had suffered by their crimes would not appear to

give evidence upon their trial : in how many cases the witnesses who did appear withheld the evidence that they could have given : and how numerous were the instances in which juries found a compassionate verdict, in direct contradiction to the plain facts clearly established before them ;—we do not know ; but that these evils must all have existed to a considerable degree, no man can doubt.

Notwithstanding these facts, however, and whether this mode of administering justice be the result of design or of accident ; there are many persons who conceive that it is upon the whole wise and beneficial to the community.—It cannot, therefore, but be useful to examine the arguments by which it is defended. Discussions on such subjects are always productive of good. They either lead to important improvements of the law, or they afford additional reasons for being satisfied with what is already established.

It is *alleged by those who approve of the present practice*, that the actions which fall under the cognizance of human laws are so varied by the circumstances which attend them ; that if the punishment appointed by the law were invariably inflicted for the same species of crime, it must be too severe for the offence, with the extenuating circumstances which in some instances attend it ; and it must in others fall far short of the moral guilt of the crime, with its accompanying aggravations :—that the only remedy for this, the only way in which it can be provided that the guilt and the punishment shall in all cases be commensurate, is to announce death as the appointed punishment ; and to leave a wide discretion in the judge of relaxing that severity, and substituting a milder sentence in its place.

If this be a just view of the subject, it would render the system more perfect, if in no case specifick punishments were enacted ; but it were always left to the *judge*, (after the guilt of the criminal had been ascertained,) to fix the punishment which he should suffer, from the severest allowed by our law to the slightest penalty which it knows :—and yet what Englishman would not be alarmed at the idea of living under a law which was thus uncertain and unknown ; and of being continually exposed to the arbitrary severity of a magistrate ? All men would be shocked at a law which should declare that the offences of stealing in shops or dwelling-houses, or on board ships, property of the different values mentioned in the seve-

ral statutes, should in general be punished with transportation ; but that the King and his judges should have the power, under circumstances of great aggravation, (respecting which they should be the sole arbiters,) to order that the offender should suffer death ;—yet such is in practice the law of England.

In some respects, however, it would be far better that this ample and awful discretion should be formally vested in the judges ; than that the present practice should obtain ; for it would then be executed under a degree of responsibility which does not now belong to it. If a man were found guilty of having pilfered in a dwelling-house, property worth forty shillings, or in a shop that which was of the value only of five shillings, with no one circumstance whatever of aggravation ; what judge whom the constitution had intrusted with an absolute discretion, and had left answerable only to publick opinion for the exercise of it ; would venture for such a transgression to inflict the punishment of death :—but if in such a case, the law having fixed the punishment, the judge merely suffers that law to take its course, and does not interpose to snatch the miserable victim from his fate ; who has a right to complain ?—A discretion to fix the doom of every convict, expressly given to the judges, would in all cases be most anxiously and scrupulously exercised ; but appoint the punishment by law, and give the judge the power of remitting it, the case immediately assumes a very different complexion. A man is convicted of one of those larcenies made capital by law, and is besides a person of very bad character. It is not to such a man that mercy is to be extended ; and, the sentence of the law denouncing death, a remission of it must be called by the name of mercy ; the man, therefore, is hanged ; but in truth it is not for his crime that he suffers death, but for the badness of his reputation.—Another man is suspected of a murder, of which there is not legal evidence to convict him ; there is proof, however, of his having committed a larceny to the amount of forty shillings in a dwelling-house ; and of that he is convicted. He, too, is not thought a fit object of clemency, and he is hanged ; not for the crime of which he has been convicted, but for that of which he is only suspected.—A third upon his trial for a capital larceny attempts to establish his innocence by witnesses whom the jury disbelieve ; and he is left for execution, because he has greatly enhanced his guilt

by the subornation of perjured witnesses. In truth, he suffers death, not for felony, but for subornation of perjury; although that be not the legal punishment of this offence.

If so large a discretion as this can safely be intrusted to any magistrates, the legislature ought at least to lay down some general rules to direct or assist them in the exercise of it; that there might be, if not a perfect uniformity in the administration of justice, yet the same spirit always prevailing, and the same maxims always kept in view; and that the law, as it is executed, not being to be found in any written code, might at least be collected with some degree of certainty from an attentive observation of the actual execution of it.—If this be not done, if every judge be left to follow the light of his own understanding; and to act upon the principles and the system which he has derived partly from his own observation, and his reading, and partly from his natural temper and his early impressions; the law, invariable only in theory, must in practice be continually shifting with the temper, and habits, and opinions of those by whom it is administered.—No man can have frequently attended our criminal courts, and have been an attentive observer of what was passing there, without having been deeply impressed with the great anxiety which the judges feel to discharge most faithfully their important duties to the publick. Their perfect impartiality, their earnest desire in every case to prevent a failure of justice, to punish guilt, and to protect innocence, and the total absence with them of all distinctions between the rich and the poor, the powerful and the unprotected; are matters upon which all men are agreed. In these particulars the judges are all actuated by one spirit, and the practice of all of them is uniform.—But in seeking to attain the same object, they frequently do, and of necessity must, from the variety of opinions which must be found in different men, pursue very different courses. The same benevolence and humanity, understood in a more confined or a more enlarged sense, will determine one judge to pardon and another to punish.—It has often happened, it necessarily must have happened, that the very same circumstance which is considered by one judge as matter of extenuation, is deemed by another a high aggravation of the crime. The former good character of the delinquent, his having come into a country in which he was a stranger to commit the offence, the frequency or the novelty of the crime; are all circumstances which have

been upon some occasions considered by different judges in those opposite lights : and it is not merely the particular circumstances attending the crime, it is the crime itself, which different judges sometimes consider in quite different points of view.

Not a great many years ago, upon the Norfolk circuit, a larceny was committed by two men in a poultry yard ; but only one of them was apprehended ; the other, having escaped into a distant part of the country, had eluded all pursuit. At the next assizes the apprehended thief was tried and convicted ; but Lord Loughborough, before whom he was tried, thinking the offence a very slight one, sentenced him only to a few months imprisonment.—The news of this sentence having reached the accomplice in his retreat, he immediately returned ; and surrendered himself to take his trial at the next assizes. The next assizes came ; but, unfortunately for the prisoner, it was a different judge who presided ; and still more unfortunately, Mr. Justice Gould, (who happened to be the judge, though of a very mild and indulgent disposition,) had observed, or thought he had observed, that men who set out with stealing fowls, generally end by committing the most atrocious crimes ; and building a sort of system upon this observation, had made it a rule to punish this offence with very great severity ; and he accordingly, to the great astonishment of this unhappy man, sentenced him to be transported.—While one was taking his departure for Botany Bay, the term of the other's imprisonment had expired ; and what must have been the notions which that little publick, who witnessed and compared these two examples, formed of our system of criminal jurisprudence ?

In this uncertain administration of justice, not only different judges act upon different principles ; but the same judge, under the same circumstances, acts differently at different times. It has been observed, that in the exercise of this judicial discretion, judges, soon after their promotion, are generally inclined to great lenity ; and that their practical principles alter, or, as it is commonly expressed, they become more severe, as they become more habituated to investigate the details of human misery and human depravity.

Let us only reflect how all these fluctuations of opinion and variations in practice must operate upon that portion of mankind, who are rendered obedient to the law only by the terrou

of punishment.—After giving full weight to all the chances of complete impunity which they can suggest to their minds; they have besides to calculate upon the probabilities which there are, after conviction, of their escaping a severe punishment; to speculate upon what judge will go the circuit; and upon the prospect of its being one of those who have been recently elevated to the bench. As it has been truly observed, that most men are apt to confide in their supposed good fortune, and to miscalculate as to the number of prizes which there are in the lottery of life; so are those dissolute and thoughtless men, whose evil dispositions penal laws are most necessary to repress, much too prone to deceive themselves in their speculations upon what I am afraid they accustom themselves to consider as the lottery of justice.

Let it at the same time be remembered, that it is universally agreed, that the certainty of punishment is much more efficacious than any severity of example for the prevention of crimes. Indeed this is so evident, that if it were possible that punishment, as the consequence of guilt, could be reduced to an absolute certainty; a very slight penalty would be sufficient to prevent almost every species of crime, except those which arise from sudden gusts of ungovernable passion.—If the restoration of the property stolen, and only a few weeks, or even a few days imprisonment, were the unavoidable consequence of theft; no theft would ever be committed. No man would steal what he was sure that he could not keep; no man would, by a voluntary act, deprive himself of his liberty, though but for a few days.—It is the desire of a supposed good which is the incentive to every crime: no crime, therefore, could exist, if it were infallibly certain that not good, but evil must follow, as an unavoidable consequence to the person who committed it.—This absolute certainty, however, is unattainable, where facts are to be ascertained by human testimony, and questions are to be decided by human judgments. All that can be done is, by a vigilant police, by rational rules of evidence, by clear laws, and by punishments proportioned to the guilt of the offender; to approach as nearly to that certainty as human imperfection will admit.

There is *another* point of view in which this matter may be considered; and which will make it evident that it would be more expedient that the judges should have the power vested in them by law, of appointing the punishment of every of-

fence after it had been established with all its circumstances in proof, and of proportioning the particular nature and degree of the punishment to those circumstances; than that, (for such offences as I am speaking of,) so severe a punishment should be fixed by law, with a power left in the judges according to circumstances, to relax it.—In the former case it is highly probable that the discretion would in practice be exercised by none but the judges; that is, by magistrates accustomed to judicial investigations, fully aware of the importance of the duties which they are called on to discharge; and who from the eminence of their stations, are, and cannot but be sensible, that they are under a very great degree of responsibility to the publick.—According to the practice which now prevails, this most important discretion is constantly assumed by persons to whom the constitution has not intrusted it; and to whom it certainly cannot with the same safety be intrusted; by prosecutors, by juries, and by witnesses. Though for those thefts which are made capital by law, death is seldom in practice inflicted; yet (as it is the legal appointed punishment,) prosecutors, witnesses, and juries, consider death as that which, if it will not with certainty, yet possibly may be the consequence, of the several parts which they have to act in the judicial proceeding: and they act their parts accordingly, though they never can, in this indirect way, take upon themselves to prevent the execution of the law, without abandoning their duty; and in the case of jurymen and witnesses, without a violation of their oaths.

There is still *another* view which may be taken of this subject; and which is perhaps more important than those which have been already considered. The sole object of human punishments, it is admitted, is the prevention of crimes; and to this end, they operate principally by the terrour of example.—In the present system, however, the benefit of example is entirely lost; for the real cause of the convict's execution is not declared in his sentence; nor is it in any other mode published to the world. A man is publicly put to death. All that is told to the spectators of this tragedy, and to that part of the publick who hear or who read of it, is, that he stole a sheep, or five shillings worth of goods privately in a shop, or that he pilfered to the value of forty shillings from his employer in a dwelling-house; and they are left in total ignorance that the criminal produced upon his trial perjured witnessess to prove

an alibi, or some other defence ; and that it is for that aggravation of his crime that he suffers death. The example cannot operate to prevent subornation of witnesses to establish a false defence ; for it is not known to any but those who were present at the trial, that such was the offender's crime ;—neither can it operate to prevent sheep-stealing, or privately stealing in a shop, or larceny in a dwelling-house, because it is notorious that these are offences for which, if attended with no aggravating circumstances, death is not in practice inflicted.—Nothing more is learned from the execution of the sentence, than that a man has lost his life because he has done that which by a law not generally executed, is made capital ; and because some unknown circumstance or other existed, either in the crime itself or in the past life of the criminal, which in the opinion of the judge who tried him, rendered him a fit subject to be singled out for punishment.—Surely if this system is to be persevered in, the judge should be required in a formal sentence to declare why death is inflicted ; that the sufferings and the privations of the individual might be rendered useful to society in deterring others from acting as he has done, and drawing on themselves a similar doom. The judge would undoubtedly be required to do this, if the discretion which he exercises in point of fact, were expressly confided to him by law. But unfortunately, as the law stands, he is supposed not to select for capital punishment ; but to determine to whom mercy shall be extended ; (although these objects of mercy, as compared with those who suffer, are in the proportion of six to one). Were recorded reasons to be required of the judge, it will be said, they must be his reasons for extending mercy, which is *his* act ; not his reasons for inflicting punishment, which is the act of the *law* :—and additional proof of the mischief which results from leaving the theory and the practice of the law so much at variance.

In truth, where the law which is executed is different from that which is to be found in the written statutes, great care should be taken to make the law which is executed known ; because it is that law alone which can operate to the prevention of crimes.—An unexecuted law can no more have that effect, than the law of a foreign country ; and the only mode that can be adopted for making known the law which is executed, is that of stating in a written sentence the circumstances which have rendered the crime capital. Such written sen-

tences, like the reported decisions upon the common law, would stand in the place of statutes.—It must, however, be admitted, that it would be still more desirable, that instead of having recourse to such substitutes, the law should be embodied in written statutes.

Another consequence of the present system is, that it deprives juries of the most important of their functions; that of deciding upon facts on which the lives of their fellow-subjects are to depend.—The circumstance of aggravation, whatever it be, for which the judge inflicts the punishment of death, in reality constitutes the crime for which he suffers. If, for example, the judges made it an invariable rule to leave for execution every man convicted of highway-robbery, who had struck or done any injury to the person of the party robbed; and to inflict only the punishment of transportation, for robbery unattended with such violence; the effect would be the same as if the crimes of mere robbery, and of robbery with violence offered to the person, (so distinct in themselves,) were distinguished by written laws; and were made punishable, the one with death, and the other with transportation.—The effect would be the same with respect to the punishments; but by no means the same with respect to the mode of trial. Because if the law had considered them as distinct offences, it would be the province of the *jury* to decide whether the circumstance of aggravation, which altered the nature and description of the crime, did or did not exist; whereas in the present system, it is the *judge* alone on whom that important office is devolved.—The fact of violence may in his opinion be established; though the jury may have withheld all credit from the witness who swore it. That fact has probably not been investigated with the same accuracy as the other parts of the case; because it is to constitute no part of the finding of the jury. It is in truth altogether immaterial to the verdict which they have to pronounce; which is merely whether the prisoner be guilty or not guilty of the robbery.—The same observation may be made upon every other circumstance of aggravation which decides the fate of convicted criminals; the judge necessarily acts upon his own opinion of the evidence by which these circumstances are supported; and he sometimes proceeds upon evidence not given in open court, or under the sanction of an oath.

(To be continued.)

ORIGINAL POETRY.

THE AMATEURS.

AN ODE.

WHEN FESTIN*, heavenly swain, was young,
When first attuned his viol rung,
And the soft obœ's melting trill
Confess'd the magick master's skill ;
Beneath his opening windows round
The admiring rabble caught the sound,
And oft at early morn, the throng
Besieg'd the house to hear his song.
Till once, 'tis said, when all were fired,
Fill'd with fury, rapt, inspired,
With one consent they brought around
Dire instruments of hellish sound,
And each, for madness rul'd the hour,
Would try his own sky-rending power.

First in the ranks his skill to try
A stout and sturdy clown was there ;
A deaf'ning hautboy, crack'd and dry,
Brayed harsh discordance on the air.
With breath retained, and laboured grin,
Rapt by his own tremendous din,
With blood suspended in his face,
And paws that could not find their place ;
The champion played : while every peal confess'd,
How strong the throes that heaved his massy chest.

Next came a brawny nurse, but six feet high,
With leathern lungs and throat of brass supplied ;
Striving with "Chevy Chase," and "Lullaby,"
To drown the screeching infant at her side.
And ever and anon the babe she seized,
And squeezed and sung, and sung and squeezed,
Although sometimes, each dreary pause between,
The strangled infants' piercing shrieks,
And writhing limbs, and black'ning cheeks,
Full well confest the secret pin,
That keenly goaded him within—
Yet closer squeezed the nurse, and louder was her din.

* Mr. John Festin, a musick master, was the intended hero in Hogarth's celebrated piece,
"The Enraged Musician."

A wheezing sawyer, standing by,
Industriously was sawing wood ;
Though dull his saw, his throat though dry,
A while he used them as he could.
At length, grown tired of toil in vain,
The wretch resolved to change his strain ;
With fell intent defying nature's law,
He paused, and held his breath—to whet his saw.—
With eyes half closed, and rolled to heaven ;
And starting teeth from sockets driven,
And clenching jaws convulsed in ghastly smile,
Across the wiry edge he drew the shrieking file.

A boy came next, loud whooping to the gale,
And on his truant shoulders bore a pole ;
Two furious cats, suspended by the tail,
Were swinging cheek by jole:
O, dulcet cats, thus hung at leisure,
What was your delighted measure !
Entangled in no faint embrace,
With claws deep buried in each other's face,
How did ye hiss, and spit your venom round,
With murderous yell of more than earthly sound.
O, dulcet cats, could one more pair like you
Assist the fight, and pour the strain anew ;
Not earth could bear, nor hell itself contain,
Your fiendish catterwaul of rage and pain.

A fish cart next came rattling by ;
Its lusty driver perched on high,
Recruited by his recent bowl,
Poured through the deafening horn his greedy soul.
Such notes he blew as erst threw down
Old Jericho's substantial town ;*
While scarce was heard, so loud he wound his peal,
The mangled cur that yelped beneath his wheel.

Then came a child, eloped from home,
Pleased, in the streets at large to roam ;
His cart behind him dragged. Before
A huge tin coffee-pot he bore,
Which ever and anon he beat
With sticks and stones in furious heat.
Nor heeded he that at his heels
The crier rung his frequent peals.
With brazen throat, and hideous yell,
That distanced all the hounds of hell ;

* Vide Mr. John Ireland.

In air his stunning bell he tossed,
And swelled and shouted "lost, lost, lost."

Emblem of justice, high above,
A ponderous pair of steelyards hung;
Hooked by the nose, his weight to prove,
A living hog beneath was swung.

Dire was the squeal that rent the sky
With sounds too dread for earthly throat,
While not a butcher lingered nigh
To stop the howling monster's note.
Fast to escape the hated strain
With ears compressed some fled amain,
While others paused, all hopeless of relief,
And curst the stars that had not made them deaf.

Thus long ago,
E'er * * drew his fiddle bow,
While saw-mills yet were mute;
The jarring, howling, deafening choir,
With notes combined in concert dire,
Could shake the sky, the solid earth could move,
While milder thunders burst unheard above.

THE
BOSTON REVIEW,

FOR
JANUARY, 1811.

Librum tuum legi, et quam diligentissime potui annotavi quae commutanda, quae eximenda
arbitrarer. Nam ego dicere verum assuevi. Neque ulli patientius reprehenduntur, quam
qui maxime laudari merentur. Plin.

ARTICLE 17.

A Treatise on the Law of War, translated from the original Latin of Cornelius Van Bynkershoek, with Notes, by Peter Stephen Du Ponceau, Counsellor at Law. Philadelphia, published by Farrand and Nicholas : Fry and Kammerer, printers, 1810. 8vo. pp. 284.

BYNKERSHOEK, considered as a jurist, has uncommon claims on our attention. He was endowed by nature with a strong and discriminating mind, and during the course of a long and laborious life, he concentrated all his energies on the study of the law. The volume, which is now published under the appropriate title of a *Treatise on the Law of War*, is a translation of the first book of his "*Quaestiones Juris Publici*." This work has several advantages over almost every other, which has been written on the same subject. Most essays on the laws of nations have been called forth by the pressure of extraordinary circumstances, and took their hue from the contests which gave them birth. They generally betray an absurd attachment to some particular doctrines, which were embraced through want of reflection or from interest. But, Bynkershoek wrote at a period, when his country was in a state of profound peace, and it has been alleged as a proof of his independence and impartiality, that he had the hardihood to oppose some of the most favourite opinions of his native government. His treatise, therefore, comes to us with all the authority of learning and integrity. Besides these accidental

advantages, which it inherits in common with all the works of Bynkershoek, it has the intrinsical merit of perspicuity. He has suffered his matter to distribute *itself* into chapters, and there is, of course, no confusion in the arrangement. After a definition of war, which with its explanation, occupies the first chapter, his subject naturally divides itself into two parts; the rights and duties of belligerents, and the rights and duties of neutrals. Under the first head he inquires, whether a previous declaration is necessary in order to make a war lawful, and concludes with Thomasius*, that it is a mere act of humanity, which can never be demanded as a right. He then examines the various questions of the capture and recapture of moveables, what right to immoveables can be acquired by the fortune of war, how far it is lawful to confiscate the credits and actions of an enemy, and whether it is, in any case, proper to pursue him with force after he has taken shelter in a neutral territory. This division extends through seven chapters. He begins the examination of the second division of his subject by determining who are neutrals, and what are contraband goods. He then treats of the right of neutrals to trade with places which are besieged or blockaded, of the goods of neutrals found in the ships of enemies, and the goods of enemies found in the ships of neutrals. He then discusses successively the right of postliminy, which he supposes to extend no farther than to the territory of those, who are actually engaged in the war; the punishment of pirates, the privileges of privateers, the propriety of insuring the property of an enemy, and the right of enlisting soldiers in a neutral territory. The twenty-third chapter is devoted to a contested point in the Dutch federal constitution, and the twenty-fourth to reprisals. The last is composed of miscellaneous remarks, which though important, could not properly be included in any other chapter.

This plan is more full and comprehensive than that of any writer on the subject, whom we have ever seen. Its execution is marked with the same ability, which distinguishes its design. The principles advanced by Bynkershoek, and the arguments by which those principles are supported, are, in general, correct and acute. He has fallen into more errors in the first part, where he treats of the rights and duties

* Ad Huberum de Jur. Civ. l. 3. § 4. c. 4.

of belligerents, than in the remainder. The cause of this may be found in an important doctrine, which he assumes in the first chapter; but, whose effects may be traced through the whole division: that "war is of so general a nature, that it knows no measure or bounds." *Generalis nempe belli conditio est, ut ad mensuram non geratur.* This position is too general to be true, and extends farther than he himself anticipated, for he afterwards excepts perfidy from the list of lawful hostilities. *Ego omnem dolum permitto sola perfidia excepta.* But, is there only one exception from this ferocious maxim? It is decidedly the opinion of Bynkershoek, that there is but one, and when he afterwards descends from principles to their exemplification, he expressly declares, that he considers poison, assassination and wild-fire to be lawful methods of annoying an enemy; *cum liceat veneno, cum liceat percussore immisso et igne factitio.** In this sentence, and the one next succeeding, he has assumed as an established principle, what never has been, and we trust never will be granted, that war is always made upon an enemy for the purpose of extermination, and as the end is universal destruction, it is immaterial what means are used. *Bellum alicui facimus, qui putamus cum per injuriam nobis illatum, sui suorumque perniciem meruisse, isque armorum nostrarum finis est, quem, qua forma adsequaris, quid refert?* If the principle were correct, we should not controvert the inference; but those writers on the law of war, whom we are accustomed to reverence as oracles, have intrenched themselves on quite different ground. Grotius† and Vattel‡ have established their

* We cannot conjecture on what authority Mr. Du Ponceau has translated this important passage "of poison, of missile weapons, of fire arms." "Percussor," certainly means an assassin, or a bravo, and when joined with "immissus," which signifies sent against, it should undoubtedly be rendered *a hired assassin*. If citations to establish this point are necessary, one may be found in Tac. Ann. l. 3. c. 16. *Nec illum sponte extinctum, verum percussore immisso.* There are two more in Suetonius. Vit. Ner. c. 37. and Vit. Sulp. Galb. c. 19. The meaning of "igne factitio" is not so clear, because factitio is not a legitimate word. We presume, however, that Bynkershoek referred to the tremendous wild-fire of the Turks and Grecians in the fourteenth century, πυρ θαλασσιον υγρον μετα βροντης και καπνυ. At any rate, it is a palpable absurdity to join "fire arms" which are unquestionably fair weapons, with assassination and poison, when it is evident the author meant to propose extreme cases.

† De Jur. Bel. & Pac. l. 3. c. 4. § 1.

‡ L. 3. c. 8. § 155.

systems on the more mild and generous principle, that war should be conducted with as little ferocity as possible, and, that the only end proposed should be the defence of what we rightfully possess, or the recovery of what has been wrongfully wrested from us, and *they* require many concessions from the belligerent in the name of justice, which *Bynkershoek* regards as the voluntary sacrifices of generosity. His doctrines are yet more formidable in their remote, than in their immediate consequences. An attempt at assassination compels the prince, who is attacked, to prevent a repetition by the torture or execution of his captives and he must proportion his rigour to the exigences of the case. This will of course excite retaliation, and thus the horrors of war are to be indefinitely continued and increased, because an unlawful instrument has been resorted to intemperately. Poison is yet more odious and terrible. It is more treacherous and inevitable, and, therefore, more generally detested. We would not by this kind of reasoning be supposed to carry our principles of generosity to such an extravagant height as to deny, with some,* all artifice in the conduct of war. It is enough, that we renounce those instruments and avoid those methods in the pursuit or defence of our rights, which have a tendency to cast a more portentous gloom upon what is already the most appalling of national calamities.

We have dwelt with considerable emphasis on this point, because it appears to be the source of several errors, which occur in the first eight chapters of the treatise. As a consequence of this maxim, *Bynkershoek* holds it to be entirely unnecessary to utter a manifesto before the commencement of hostilities, because he regards the enemy as a convict on whom sentence is to be executed, without the least ceremony. This question has been agitated a long time; but, it seems at last to be tacitly acknowledged by invariable usage, that a declaration is necessary. It is true, that in modern times this formality is principally preserved for reasons very different from those for which it was originally instituted; that it is now used, rather as the means of domestick excitement, than as a

* The Roman senate, even after the dagger and the bowl had long been domesticated in the palace of the Caesars, replied to the proposal of *Adgandestrius*, to poison *Arminius*; *non fraude neque occultis, sed palam et armatum populum Romanum hostes suos ulcisci.* Tac. Ann. l. 2. c. 88.

defiance to the enemy ; but as long as the effect is produced, we should be satisfied, and rejoice that a motive is offered which will induce even violence to regard the rights of humanity. The custom is certainly ancient, for Selden* traces it among the Jews. Many † have supposed it indispensable, and that all seizures or captures, made during an undeclared war, are mere piracies. Grotius and Vattel maintain the propriety and necessity of a declaration ; but go no farther. Grotius requires a declaration that the consequent hostilities may appear to be the deliberate act of the state, and not the unauthorized violence of individuals.‡ Vattel§ thinks we owe it to humanity, to make this last appeal from the justice to the fears of the enemy, so as if it be possible to bring him to our terms without bloodshed, or at least convince him of our inflexible determination to support our rights.||

As a corollary from the same principle, Bynkershoek derives the right of the conqueror "to do any thing he pleases with the vanquished," in victum victori liceat omnia. c. 3. It is very remarkable, that a writer of the eighteenth century should advance this doctrine. The times are long since passed, when the victor refused quarter to his enemy ;¶ and the Mussulman alone, in modern days, claims even the right of enslaving him. No one is hardy enough to defend the hang-

* De Jur. Nat. et Gent. l. 6. c. 13.

† Heineccius, p. 791.

‡ Ut certo constaret non privato ausu sed voluntate utriusque populi aut populi capitum, geri bellum. De. J. Bel. et Pacis, l. 3. c. 3. § 11.

§ L. 3. c. 4. § 51.

|| We cannot persuade ourselves, with Mr. Du Ponceau, that the ancients generally neglected to declare war, for if this were the fact, why did they maintain a privileged order, who had no other employment than to adjust national differences, and ceremoniously to denounce war on their enemies. Among the Greeks the *Κηρυκες Διός αγγελοι ηδε και ανδρων* proceeded to the enemy's frontier, and hurled a spear into his territory in token of defiance. The Romans, in imitation of the Greeks, devoted a number of priests, *collegium fecialium*, Liv. l. 36. c. 3. to the same duties. They retained the ceremony of throwing the bloody spear, and used, besides, a form of speech on the occasion, called *clarigatio*, and when this had been pronounced, and not till then,

Tum certare odiis tum res rapuisse licebat. Virg.

Vide Polyb. l. 4. c. 4, and Liv. l. 36. c. 3 and 4.

¶ Burlamaqui, p. 4. c. 6. § 7.

ing of captives, merely because they were not ransomed.*
Quia non redimebantur.

In chap. 7. he says ; *si merum jus belli sequamur, etiam immobilia possent vendi.* This is not the opinion of recent jurists. It is now decided, that only the rent of real property owned by an enemy, shall be confiscated, because, by permitting foreigners to purchase and possess estates, they are in this respect admitted into the number of subjects. Only one reason can be assigned, why even rent should be seized and that has been given by Vattel,† “to hinder the remittance of it to the enemy’s country.”

We were compelled to enter into details in noticing the preceding errors, because the learned translator did not undertake the task of commenting on his author, until the first ten chapters had irrevocably passed the press. The few faults in those which remain are generally exposed by Mr. Du Ponceau, who has thus relieved us from the most ungrateful part of our task, that of controverting opinions supported by a name so respectable as Bynkershoek’s.

In the course of his discussion of neutral rights, he starts several questions, which though acknowledged to be of the first importance, are yet sub judice. On the great question, whether free ships shall make free goods,‡ he supports the belligerent principle ; and, on the equally important subject of individual expatriation,§ he defends the right of the citizen, in general, to transfer his allegiance ; but, at the same time, recognizes the right of the supreme power in the state to prohibit him in case of necessity, and Grotius thinks it may be done, whenever emigration threatens to become extensive. Among the miscellaneous principles in the last chapter, he maintains one || with considerable vehemence, which within a few years has been warmly canvassed by the ablest politicians in Europe and America. The forcible seizure of the Danish fleet will never be forgotten, and although if examples are to be counted and not weighed, this will be reckoned but one, yet it is a powerful one, and goes far towards establishing the general principle. Notwithstanding the outcry which was raised on that occasion, and which is now supported by the authority of Bynkershoek and Du Ponceau, if the subject is examined with temper, it will be found that no doctrines were

* Bynk. c. 3.

† Law of Nations, b. 3. c. 5. § 76.

‡ Cap. 14.

§ Cap. 22.

|| Cap. 25. § 1.

advanced then, which have not been maintained both in theory and practice, ever since the time of Xenophon. The conduct of the English ministry can be defended on the rule laid down by Grotius, and supported by Zouch and Buddoeus : *liceat locum occupare, qui situs sit loco pacato, si non imaginarium sed certum sit periculum ne hostis cum locum invadat et inde irreparabilia damna det.** Zeiglerus† thinks the right exists, but that caution should be used in the exercise of it. The majority of writers on the law of war, so far as we have examined them, are of the same opinion, and Heineccius‡ in particular, declares that the right cannot be denied. *Hic sane nos jure nostro uti nemo negabit.*

Bynkershoek's *Quaestiones Juris Publici* were never before fairly translated into English. Lee's *Essay on Captures*, professing to be "an enlarged translation" of this work, is a treatise of equivocal value, which has no merit as a translation because extraneous matter is frequently thrust into the text without acknowledgement, and little as a law book, because he seldom cites his authorities, and in both capacities is completely superceded by the labours of Mr. Du Ponceau. His translation, though sometimes stiff, and almost always diffuse, is faithful and impartial. It is introduced by an able preface, and accompanied by a body of notes, which we wish had extended through the whole, instead of being confined to the last fourteen chapters. The tables and indices are copious and accurate. Mr. Du Ponceau has occasionally omitted long passages, and once an entire chapter, because their value was merely local. The reason is sufficient; but the right should seldom be exercised. We do not mean to complain, but we should not have been displeased had he translated the whole. We must, however, confess our dissatisfaction at his frequent interpolations. In the following passages, the words which are italicized, have no counterpart in the original.

"Whenever men are formed into a social body, war cannot exist between individuals, the use of force between them is not war; *but a trespass cognizable by the municipal law.*" Chap. I.

"But when the Roman consuls wrote to king Pyrrus: We do not wish to contend with you by means of bribery or fraud, *and at the same time gave him notice of the offer that had been made to poison him, they certainly did an act of the greatest generosity.*" Chap. I.

* *De Jur. Bel. et Pac.* l. 3. c. 3. § 11. † Page 332. ‡ Page 260.

After Bynkershoek has been speaking of the *lex talionis* of princes, Mr. Du Ponceau inserts a reflection which is very proper in itself; but has no right to its present station.

"It is thus that princes, though bound by no positive law, enforce upon one another the law of reciprocity." Chap. III.

Owing probably to an error in his text book, he has translated in *mores Gentium*, cap. 2. "customs handed down by the Germans."

We forbear all verbal criticisms, although it would be very easy to select many exceptionable passages from a work of this size, and in the trifling defects we have noticed, we have endeavoured to avoid all acrimony. We do not wish, however, to disguise the pleasure we feel at receiving a work of Bynkershoek's in a respectable English dress, and we sincerely hope that this is not the last time we shall meet Mr. Du Ponceau in the character of a jurist.



DEFENCE OF THE REVIEW OF MR. LAMBERT'S MEMORIAL.

OUR review of Mr. Lambert's Memorial, in October last, has produced an answer from that gentleman, published in the *Chronicle*, and also in a pamphlet which has been forwarded to us. In this answer he is very liberal in his charges of "twistical cunning—ingenious quibbling—sophistical evasions—subtle prevarications—local and political prejudices—zeal for the honour of the British nation, and the convenience of British mariners—and has the assurance to insinuate that in our review we were endeavouring to promote the dignity and influence of a foreign nation, to the prejudice of our own," &c.

Charges like these are beneath our notice, and the manner in which Mr. Lambert has chosen to treat the subject, might justify us in passing over his answer with silent contempt: but as the object is of considerable national importance, and as Mr. Lambert has among his illiberal reflections undertaken to contradict some of our statements, and roundly asserted that the remarks we made on some of his rules, are wholly destitute of truth, we have thought it our duty to exhibit such proofs and authorities as will fully substantiate our observations in the minds of all scientific men.

In page 261 of our review, we stated that the angle formed at the star by the vertical circle, and circle of declination, was

called the angle of position by Mr. Lambert, *contrary to the definitions of the greatest astronomers*. This assertion Mr. Lambert says "seems to be either gross ignorance in you, or a wilful perversion of the truth. I call the angle opposite to the latitude of the place, (or rather its complement to 90°) the angle of position, not *contrary*, but *in conformity* to the appellation given it by the *greatest astronomers*."

On this point we shall bring proofs of Mr. Lambert's incorrectness, from two of the most celebrated works on astronomy extant. To facilitate the understanding of this question, we shall suppose, on a celestial globe, the point corresponding to the zenith of the spectator to be marked with the letter Z, the pole of the equator by P, the pole of the ecliptick by E, and the place of the sun, moon, or star, whose angle of position is to be found, with the letter S. Great circles being drawn through these points, the angle of position according to Mr. Lambert is the spherical angle PSZ,* whereas by the usual definition it is the spherical angle PSE, formed at the star S, by the circle of latitude ES, and the circle of declination PS. For Vince, in his *System of Astronomy*, Vol. I. page 7. Def. 53, edition of 1797, 4to. says, "The angle of position is the angle at an heavenly body, formed by two great circles, one passing through the pole of the equator, and the other through the pole of the ecliptick," or in other words, it is the angle PSE, as we have defined it.† The same author has *once* in his work, (Vol. I. page 535.) employed the term angle of position *differently*, (and as Mr. Lambert has used it,) but at the same time he apprizes the reader that he there

* To prevent any dispute about this, we shall quote Mr. Lambert's rule for calculating that angle, in page 12.

Arith. comp. cosine true alt. + log. sine horary angle + log. cos. lat. place = log. sine ang. position. Or sine ZS : Sine SPZ :: Sine PZ : Sine Angle of Position. Now the usual rules of sphericks applied to the triangle SPZ, give Sine ZS : Sine SPZ :: Sine PZ : Sine PSZ. Hence PSZ is the angle of position as defined by Mr. Lambert.

† In page 41 of the same volume, Vince gives this rule for calculating the angle of position; Sine PS : Sine PES :: Sine PE : "Sine angle of position," which angle is therefore equal to PSE agreeable to his definition.

uses it in a peculiar sense, and expressly states (in page 536) that the angle "ZSP which is *here* called the angle of position, is not the angle generally understood under this appellation." In the second volume of the same work, he has given three tables for calculating more easily the angle of position, agreeably to the common acceptation of the term, and to his 53d definition. If farther proof of the correctness of our assertion were wanted, we might quote the words of La Lande, an authority equal to any in a point of this kind, since all (or nearly all) the terms of astronomy are the same in the French as in our language. In Vol. I. page 380 of the third edition of his astronomy. 4to. 1792, he says "In calculating eclipses we make use of the angle formed at the centre of the planet by the circles of latitude and declination, which is called the *angle of position*, because it is a fixed angle, depending only on the position of the planet with respect to the ecliptic and equator," &c.* which is directly contrary to Mr. Lambert's assertion.

Having shewn by these authorities that Mr. Lambert was wholly mistaken in his objections to this part of our review, we shall proceed to examine another. We observed in page 262 of our review, that the formula for calculating the moon's parallax, page 13, contained a term depending on the cosine of the moon's latitude, which it ought not to do. On this Mr. Lambert, *with his usual modesty*, triumphantly remarks—"Where did you obtain this information, gentlemen reviewers? You had better consult your books again, and see whether the moon's true latitude is not a necessary element in and for the computation. I contend that it is, *your positive assertion and high authority to the contrary notwithstanding*. You seem to be determined to *impose* on others, or on yourselves, by some of your critical remarks."

* The original is thus "On se sent, dans le calcul des eclipses, de l'angle formé au centre d'un astre par le cercle de latitude et le cercle de declinaison : qu'on appelle *angle de position*, parceque c'est un angle fixé qui ne depend que de la position de l'astre, par rapport à l'ecliptique et à l'equateur et qui designe lui-meme la position des principaux cercles qui se coupent au centre d'une étoile." In the same page La Lande gives a rule for finding this angle, which is in substance as follows. $\text{Cos. lat} : \text{Cos. Right Ascension} :: \text{Sine } 23^{\circ} 28' : \text{Sine Angle Position}$ agreeably to his definition.

We shall make no other reply to these observations, than that of *proving* Mr. Lambert to be wrong by applying his own rule* to a simple example where the moon is supposed to be in the same longitude as the nonagesimal, or in the great circle passing through EZ. For it is well known that when the object is in that situation, (whatever be its latitude) the parallax in latitude is *equal* to the parallax in altitude, consequently the sines of these angles must also be equal, and this is agreeable to what Mr. Lambert himself says in page 9. Now when the object is thus situated, the angle between the parallel to the ecliptic and vertical circle is evidently equal to 90° , and its log. sine is equal to radius. Substituting these in Mr. Lambert's equation (quoted in the note below) and reducing it by neglecting the terms that destroy each other, we have

$$\text{Arith. comp. log. cos. } \zeta \text{'s lat.} = \text{log. radius.}$$

Whence it would follow that the moon's latitude is at all times equal to nothing, because the moon is at every moment in the

* This rule, as given in page 13, is as follows.

"Log. sine parallax in altitude + log. sine angle between vertical circle and parallel to the ecliptic + arith. comp. log. cosine ζ 's true latitude = log. sine parallax in latitude nearly approximated.

"If the moon's true latitude be *north*, subtract the approximated parallax in latitude therefrom, for the moon's apparent latitude approximated; then

"Log. sine parallax in altitude + log. sine angle between vertical circle and parallel to the ecliptic + arith. comp. log. cosine moon's apparent latitude approximated = log. sine parallax in altitude farther approximated and very near the truth.

"Repeat the process, using the moon's apparent latitude last found, and the correct parallax in latitude will be obtained."

Now we assert that this repetition of the process is *wholly wrong*, and that the correct rule upon the principles assumed by Mr. Lambert, is simply this.

Log. sine par. in alt. + log. sine angle of vertical and parallel to the ecliptic = log. sine par. in alt. as may be proved from what is said by La Lande in Vol. II. page 295 of his *Astronomy*, by Vince, in pages 65, 66, Vol. I. of his *System of Astronomy*, or by President Willard, in Vol. I. pages 13, 14, of the *Memoirs of the American Academy of Arts and Sciences*.

longitude of the nonagesimal of some particular place. In other words, the rule given by Mr. Lambert leads to this absurd conclusion, that *the moon's orbit is not inclined to the ecliptick* ! Whence the incorrectness of the method is sufficiently obvious. We have preferred taking this simple example, in order to point out the defects of the formula, rather than enter into a minute discussion of it, particularly as the thing is already done to our hands in the works of La Lande, Vince and Willard, mentioned in the preceding note.

Again. Mr. Lambert observes, " I have stated in my paper No. 2, that the parallax angle—is found by either adding the angle of position to, or subtracting it from, the angle between the meridian passing through the centre of the sun, moon or star, and a parallel to the ecliptic—and this in your opinion is one of my *palpable mistakes*. You ought to be careful not to suffer your great anxiety to find out imperfections in others, to lead to the discovery and exposure of your own." What Mr. Lambert could mean by making this assertion as to our opinion on this point, we leave to the reader to judge. If he will turn to our Review, in page 262, he will find that the only mention we have made of the rule for finding the "parallax angle" is, that the part of it for finding the angle between the parallels of the ecliptick and equator (which is equal to the angle of position as defined by most astronomers) is the same as in ¶1047 of La Lande's or ¶754 of Vince's astronomy ; and we have never expressed the least doubt of the accuracy of the rule in any part of our review. On this point Mr. Lambert must therefore rest under the imputation of gross ignorance or wilful perversion of the truth. Perhaps it was through ignorance in not understanding the import of the words that followed in page 262, viz. "and the rule for applying the parallax in latitude is not correct in some cases where the moon is between the zenith and the elevated pole of the ecliptick." If Mr. Lambert does not understand this, we will explain it to him by an example. Suppose that at a place between the tropicks in north latitude, the moon was in the same longitude as the nonagesimal and between the zenith and the north pole of the ecliptick, (or between the points corresponding to Z, E) the parallax in latitude would, in this case, *decrease* the north polar distance, and if the moon's latitude were north, the parallax ought evidently to be *added* to the true latitude instead of *subtracted*, as directed by Mr. Lambert in his

rule given in the preceding note. This we considered as one of his palpable mistakes. If he wishes us to point out a few more, we will mention his method of finding the Arch II in the rules 2, 3 page 12, where he directs in all cases to *subtract* the Arch I, whereas it ought to be *added* in some cases where the horary angle exceeds 90° . We might mention many other instances.

Mr. Lambert, unable to account for the difference between the ratio of the equatorial diameter and the polar axis of the earth as calculated by Newton and La Place, intimated in his paper that it might be owing to "*a diminution in the equatorial diameter.*" We stated the various causes which made astronomers assume a different ratio from that of Newton, and pointed out a mistake of Mr. Lambert in asserting, "that in consequence of new lunar equations, discovered in France by Mr. de La Place, the proportion of the equatorial diameter to the polar axis of the earth is now assumed as 334 to 333." Mr. Lambert endeavours to evade the question, and insinuates that there is an error in the calculation of La Place of the ellipticity $\frac{1}{334}$ (deduced from combining the degrees of the meridian in France and Peru) or in that of $\frac{1}{308}$ (deduced from the lunar equations) which are the only ratios of La Place that we have used in our review. *Now we state explicitly that both these calculations are perfectly correct*, upon the principles and data assumed by La Place*, and we challenge Mr. Lambert to prove the contrary. It is true that La Place has in one instance made a small mistake in calculating the ellipticity $\frac{1}{335.78}$ from *the lengths of pendulums* in different latitudes; and the ratio $\frac{1}{312}$ from *combining all the degrees of the meridian measured in different parts of the earth*, requires some modification on account of the late measurement in Sweden; but neither of these calculations have any reference to the ratio used by Mr. Lambert, on which our former remarks were founded.

Mr. Lambert, in another part of his answer, says, "I demand, in explicit and unequivocal terms, of you, and your mathematical coadjutors, (if any you have) to examine the computation of the longitude of the capitol in the city of

* La Place generally neglects terms of the same order as the square of the ellipticity, as is usual in such calculations.

Washington from Greenwich, on the principles and data contained in my paper No. 2, and point out *a mistake that you can make palpable* in the result. This is coming at once to the point in question; and let us have no more of your ingenious quibblings, sophistical evasions and subtle prevarications, so far as they relate to my plan, its execution or object."

We are willing to gratify Mr. Lambert in his request, and shall therefore answer "in explicit and unequivocal terms," *that there is an error in every one of the six examples he has given in page 14, in calculating the parallax in latitude; his estimate being too great in every instance by about five seconds; and this error affects the calculation in the following pages, though we presume that the estimated longitude of the place will not be materially altered, since the error of the parallax at the emersion has a tendency to balance the error at the immersion, and thus, by one of his errors correcting the other, the result may be nearly correct.* If this is not explicit enough, we will also add, that the cause of this mistake is his having *erroneously introduced* the term cosine of the moon's latitude in his rule page 13, and *not having introduced it* in his rule page 11*. This is a fair sample of that kind of mistake of which Mr. Lambert complains that we accuse him—*of sometimes doing too much, and sometimes too little.*

Mr. Lambert pretends to compare the proposed change of meridians to that made in the currencies of this country by the introduction of the decimal ratio of dollars, dimes, cents and mills. But the cases are not parallel; so far, however, as Mr. Lambert's example is applicable, it is against his argument; for by the former change *four* different currencies were reduced to *one* uniform method of computation, by which all the calculations were much facilitated; whereas by Mr. Lambert's project, instead of *one* meridian, we shall be

* As Mr. Lambert insists that his rule is correct, notwithstanding the authority of La Lande to the contrary, we shall mention another authority that we presume will not be disputed by Mr. Lambert, namely, that of Mr. Garnett, in page 48 of the appendix to his Requisite Tables, where the rule is given correctly, and we would ask what has become of the term cosine l in the value of sine 2, which term is neglected in the rule page 11.

obliged to make use of *two*, to the great embarrassment of all geographical and *nautical* calculations.

We need not spend time in examining Mr. Lambert's opinion, that the establishment of a first meridian is as much the prerogative and evidence of sovereignty as the establishment of a mint, or the forming a standard of weights and measures. But we may remark that the business of fixing a first meridian is generally left to astronomers and geographers to manage in their own way. Every citizen, *in his intercourse with others, is under the necessity* of making use of the coins, weights and measures established by the laws of his country ; but the case is essentially different with respect to a first meridian, since each individual has it completely in his power to use any one he pleases.

Having, in our former review, pointed out the sources from which Mr. Lambert had compiled most of his rules, the few that remained unnoticed seemed hardly worth his claiming ; but Mr. Lambert has formed quite a different opinion, and says, "I have constructed two tables of logarithms on a *new plan* and accurate principles, in my papers No. 4 and 5, and given a *new* rule in No. 3, to find the moon's hourly velocity, but you will not agree that I am entitled to the least credit for them." As Mr. Lambert appears to rest his chief claim to originality on these points, we shall briefly examine them.

The Table in No. 5, for finding the moon's horizontal parallax for any latitude is useful, but it *is not on a new plan*. For one *exactly similar* was published in Burg's tables (tab. XLV.) a long time before Mr. Lambert's paper*. Table No. 4, for finding the augmentation of the moon's semidiameter on account of the elevation above the horizon may be on a *new* plan, but it is a plan we believe that no one except the author will follow ; since the object may be obtained in less than half the time, and in a way that is less liable to any *great* mistake, by a table of double entry like Table XLIV of Burg, so that on this score the publick are not under any great obligation to Mr. Lambert. The rule for calculating the moon's hourly

* These tables were published by the board of longitude in France in 1806, and republished in England in Vince's *Astronomy*, vol. 3, in 1808. It is this last edition to which we have referred.

velocity when the time from noon or midnight is not an aliquot part of 12 hours, or a fractional part expressed in small numbers, is *far* more laborious than Mr. Garnett's method, (given by Mr. Lambert) and as *a considerable number* of solutions of this question may be found by any *tyro* in mathematics, by combining in various ways the *differences* of the several orders, we think but little merit can be attached to the discovery of *one* formula of this kind, unless it be *more simple* than those in general use; and as Mr. Lambert's method is of an opposite kind, his claim to originality in this instance, as well as in the others, does not deserve much attention.

There are many other points of minor consideration in Mr. Lambert's answer, in which we might point out gross errors and mis-statements, but as we have already extended our remarks to a great length, we shall refrain.

We have now examined the most important parts of the defence of Mr. Lambert's *rules* and *calculations*, and *proved him to be wrong in every instance*, and even in the calculation of the occultation at Washington, in which he more particularly challenged us to discover *one single mistake*—we have pointed out several. In doing this, we have been influenced not so much by a desire of vindicating ourselves from his impotent aspersions, as of lending our aid (so far as we are able) to the cause of truth. Before closing our remarks, however, we shall observe, that the whole tenour of Mr. Lambert's papers bears strong marks of his wishing to make the business of his memorial a question of party politics, than which nothing can be more improper and unworthy a man of *real science*. We trust that the good sense of the legislature of the United States, will prevent the adoption of a scheme that would be so injurious to the cause of science in our country.

INTELLIGENCE.

From the London Monthly Repository.

ACCOUNT OF THE NEW GALLERY OF THE BRITISH MUSEUM.

(Continued from page 210, vol. ix.)

THE fifth room is entirely appropriated to Roman sepulchral antiquities, so very curious and well adapted in their several catacombs and niches, that were the architecture rather more grave, the spectator might almost fancy himself in a Roman family mausoleum. This effect is heightened by the centre of the floor being composed of a real Roman tessellated pavement, discovered in digging the foundation of the new buildings at the Bank of England, and presented by the directors. This room is of excellent proportions, vaulted, and lighted from a dome; the ceiling is supported by antæ of the Doric order. The contents consist principally of cinerary and sepulchral urns and monumental inscriptions, each deposited after the ancient manner in a catacomb. No. 13 is a remarkable sarcophagus, of good workmanship, representing the lamentation of a family over the corpse of a relative. Nos. 21 and 24 are both Etruscan cinerary urns in terra cotta. The basso-relievos on the fronts of both represent the Grecian hero Echelles fighting with a ploughshare at the battle of Marathon, and on each of the covers is a recumbent female figure. On the upper part of the latter urn is an Etruscan inscription in red letters. The next room is appropriated to Greek and Roman sculptures; as medallions, sarcophagi, basso-relievos, fragments, shields, altars, busts, &c. Among these may be remarked the following: No. 10, a fine fragment of a magnificent sarcophagus, representing an elderly man with a manuscript roll in his hand, which he is reading, and a Muse standing before him holding a mask; No. 21, an altar of Roman workmanship, ornamented with Egyptian figures, which for singularity is unequalled in the collection; No. 32, a fine basso-relievo, representing Priam supplicating Achilles to deliver to him the dead body of his son Hector; several sepulchral urns and Greek funeral monuments of invaluable worth, particularly one to Deucocles (62), containing a basso-relievo and eight elegiac verses in Greek; a fine statue of the infant Bac-

chus, represented as a boy about five years old, his head crowned with a wreath of ivy, and his body partly covered with a goat-skin. No. 64 is a striking instance of the aid which the arts afford to history. It is the front of a votive altar, with an inscription for the safe return of Septimius Severus and his family from some expedition. Some parts of the inscription are effaced; these appear to have recorded the name of his son Geta, which, by a severe edict of his brother Caracalla, was ordered to be erased in every inscription throughout the empire. These two brothers jointly succeeded their father, but Caracalla, jealous of the superior qualifications of Geta, stabbed him in the arms of their mother, and issued the above-mentioned edict, as if to obliterate the memory of his existence. No. 81 is an earthen vase, which has two handles at the neck, and terminates in a point at the bottom like an amphora. Its value is enhanced by the circumstance of its having been found in the baths of Titus with about seventy others, all containing the fine African sand, with which, when mixed with oil, the *athletæ* rubbed their bodies before they exercised. No. 88 is a singular group of an Egyptian tumbler standing on his hands with his feet upwards, on the back of a young tame crocodile. We here find a head of the notorious Messalina (94); and a highly characteristic head of Jupiter Serapis, on which the paint with which the face was anciently coloured is still discernible. No. 100, with which this room finishes, is an exquisitely fine basso-relievo, formerly one of the ornamental pannels on the triangular base of a candelabrum. It represents a female bacchante dressed in floating drapery, through which the beautiful forms of her body are perfectly apparent. With one hand, raised above her head, she holds a knife, and at the same time secures a portion of her robe, which is blown behind her; with the other, which is held downwards, she carries the hind quarters of a kid.

The seventh room is also devoted to Roman antiquities, the majority of which have been discovered in England. No. 1 is a beautiful group representing a Faun struggling with a nymph; the size is smaller than life. Their limbs are entwined with the greatest skill, and evince the most perfect knowledge of the art in the sculptor. The passions of anger in the one, and fear of disappointment in the other, are well expressed. Nos. 2, 3, 5, and 6, are pigs of lead found in different parts of England, two of them inscribed with the names

of the emperors Domitian and Hadrian. No. 8 is a puteal or cover to a well, three feet high and three feet in diameter. It is a cylinder of marble, placed over the central diameter of a well, and ornamented with beautiful basso-relievos; on the outside representing Fauns, bacchanals, and nymphs. The inside is worn in several places by the ropes that pulled up the buckets.

The eighth room, appropriated to Egyptian antiquities, contains two Egyptian mummies, with their coffins. One of these, sent to England by Edward Wortley Montagu, and presented to the Museum by his Majesty, is supposed to be one of the finest specimens in Europe. Some of the coloured glass beads with which it was ornamented yet remain. The face of the second was gilt, and the other parts of the body ornamented with paintings. Here is also a small square coffin, the lid and sides of which are covered with paintings, containing the mummy of a child. In one of the coffins is a conical vessel of baked clay, inclosing an embalmed ibis. Opposite the entrance to this room, against the wall, is a frame containing the bones of another embalmed ibis. Underneath is a manuscript taken from a mummy; it is written on papyrus in the Egyptian language. Near it are the fragments of another manuscript of the same kind; and on the right of the door is a frame containing an Egyptian painting, taken from the breast of a mummy.

The ninth room is principally devoted to the Egyptian antiquities which were collected by the French, and fell, on their expulsion from Alexandria, into the possession of the British army. Among these we remark,—No. 1. a large Egyptian sarcophagus of breccia, brought from the mosque of St. Athanasius at Alexandria, covered both within and without with hieroglyphics; another sarcophagus of black granite (2), covered in like manner with hieroglyphics, which was brought from Cairo, and was used by the Turks as a cistern, called by them the Lover's Fountain; the celebrated Rosetta stone (23), containing three inscriptions of the same import, one in hieroglyphics, another in the vernacular language of Egypt, and another in Greek, recording the services which Ptolemy V. had rendered their country.

The tenth room comprehends Greek and Roman sculptured marbles. In this collection we observe a subject which is calculated to excite either envy or exultation, or perhaps both,

in our modern fashionables. It is a small female head (23), the hair of which is formed of a distinct piece of marble, and is fitted to the head in the manner of a wig. No. 34 is the statue of a discobolus already noticed, which is represented at the moment of the delivery of the discus. It is an ancient copy in marble of the celebrated bronze statue by Myro. In the bust of Minerva (85), the head only is antique: the helmet and the bust, which are of bronze, are, with some variations, copied from an ancient bust of the goddess, formerly in the Vatican, but now at Paris.

The eleventh room is occupied by coins and medals. This collection, the basis of which was formed by the cabinets of Sir Hans Sloane and Sir Robert Cotton, has been since enlarged by many valuable purchases and donations, but principally by a part of the munificent bequest of the Rev. Mr. Cracherode, valued at the sum of 6000*l*. It is comprised under the heads of ancient coins, modern coins, and medals. The first consists of Greek and Roman coins. The former are arranged in geographical order, and include all those struck with Greek characters in Greece or elsewhere, by kings, states, or cities, which were independent of the Romans. With these are also classed the coins of free states and cities which used either the Etruscan, Roman, Punic, Spanish, or other characters. The Roman coins are placed, as far as can be ascertained, in chronological order. They consist of the *as* and its divisions, family or consular coins, imperial coins struck in Rome, imperial coins struck in Egypt, imperial coins struck with Greek characters in different states and cities subject to the Romans, imperial coins struck in the Roman colonies, imperial coins struck with Roman characters.—The second head comprehends modern coins, consisting of Saxon, English, Anglo-Gallic, Scotch, and Irish coins, and likewise those of foreign nations. In this class the coins of each country are separately arranged. The third head, comprising medals struck in this and other countries, are classed in the same manner as the coins.

In the twelfth, an elegant and spacious room up stairs, are deposited Sir William Hamilton's valuable and elegant collection of vases, penates or household gods, vessels and utensils of every description, by far too numerous to be particularised here. Many of these were recovered from the subterranean city of Herculaneum, of which so ample and so able an

account has been given in our preceding numbers by the writer of the Letters from Italy. In the cases in which these precious remains are preserved, we remark also two of the bricks which have given rise to so much discussion among the learned. They have each an inscription in unknown characters, and were taken out of the ruins of a large city, supposed to have been Babylon, near the town of Hillah, on the river Euphrates.

The thirteenth room is appropriated to the extensive collection of prints and drawings, the most important part of which was bequeathed by the Rev. Mr. Cracherode.

The contents of this last room, as well as those of the coins and medals, can be inspected only by a few persons at a time, and by particular permission. The rest are subject to the same regulations in regard to the admission of strangers as the other part of the Museum; and one day in the week, Friday, is set apart for artists, who, on the recommendation of the Royal Academy, are allowed to draw from the antique marbles, or other objects on which they may choose to exercise their talents.

From the London Monthly Magazine.

SICILIAN LITERATURE, FROM 1790 TO 1803.

IN the flourishing times of Greece and Rome, Sicily held a distinguished place in the republick of letters. In reflecting on what this island once was, our eyes survey it with the same sentiment of melancholy and of regret which so painfully affects us when contemplating the ruins of the ancient Palmyra. But let us not invoke the shades of those who are no more, and forget the former splendour of this island, that we may consider it only in its present state.

The dawn of a glorious day appeared in Sicily at the period when Francesco de Aquino, Prince of Caramanico, assumed the reigns of government in quality of viceroy. The Sicilian is not accustomed to consider the means adopted by the representatives of the sovereign, in the exercise of their functions; it is sufficient for him if they are actuated by the will to do good. Caramanico not only possessed this happy will, but likewise all the means of executing it with success. A young advocate, named Cazelli, accompanied the Prince in

1786 to Palermo, where he filled the station of Secretary of State. Notwithstanding all the reproaches cast upon him for his conduct in that post, reproaches which cannot but have been extremely exaggerated, it is impossible to deny, that to him were, in a great measure, owing the revival of the arts and sciences in Sicily, and their progress during the administration of his patron. Prince Caramanico, after the example of his predecessor the Marquis Caraciolo, made a point of conferring distinction on men of learning, and of paying a publick homage to science, by honouring with his favour those who cultivated them with the greatest success. His zeal was not confined to empty demonstrations; several chairs were vacant at the university of Palermo; these he not only seized the first opportunity of filling, but he founded several new ones, among others, that of rural economy, so ably occupied by Paolo Palsamo, whom he sent on a tour through France and England. The university is likewise indebted to him for a botanical garden, which cost 50,000 ducats, and which he established on a spot where once the Inquisition prepared its faggots. It was on his invitation that the Professor Eliseo repaired to Naples to begin a course of experimental philosophy. Lastly, after having in vain endeavoured to induce, first, M. de Lagrange, and afterwards Toaldo, to settle in Sicily, he was so fortunate as to make the most excellent choice in the person of Piazzzi, the astronomer, who himself formed the plan of that splendid observatory of which he has given such a satisfactory description in his work entitled, *Giuseppi Piazzzi della Specula astronomica dei regii studii di Palermo*, in two volumes folio, Palermo, 1792-1794. I shall say nothing of the anatomical theatre, nor of many other interesting establishments scarcely sketched out by this zealous protector of every thing great and useful in the arts and sciences, and which, in a short time, would certainly have attained to a high degree of perfection had not death snatched him away in the midst of his laudable exertions.

The propagation of knowledge among the lower classes of the people had likewise been an object of his attention. Seconded by the worthy Giovanni Agostino de Cosmi in the establishment of national schools, he enjoyed, before he died, the sweet consolation of knowing that his labours had not been in vain. The loss of Prince Caramanico must ever be an object of regret to Sicily. With him expired the spirit by

which he was animated ; and after his death, the magnificent fabrick, scarcely begun, crumbled into ruin. The horrors which at this period convulsed all Europe, hastened still more the fatal catastrophe.

But without dwelling upon these causes, which were owing to the misfortunes of the times, it will perhaps be asked why the class of men of science is so small in Sicily, and why the interest which the nation in general feels for them is so weak ?

This question may be asked at Naples as well as at Palermo : the evil there proceeds from the same source, from the defectiveness of the penal code, and the wretched organization of the judicial establishment, which opening a vast field for chicane, beget a multitude of lawyers, who, abusing the noblest functions of the state, are intent only on acquiring fortunes, and gradually undermine the publick strength. The Sicilian is born with a spirit of chicane ; in his eyes a lawyer is a man of the highest importance : accordingly, in the city of Palermo alone, their number, including their trains of solicitors, notaries, clerks, scribes, &c. amount to no less than four thousand. As their profession is almost the only road to honours and to fortune, it is perfectly natural that there should prevail an universal eagerness to enter into it, and the multitude is so much the greater for this reason, that, as the government does not make it a rule to give the preference to the nobility in the distribution of employments, every lawyer indulges the hope of one day obtaining the most important situations. But a lawyer, I shall be told, is, from his profession, a man of letters. He is so, indeed, in every country but Sicily. There, from an *esprit de corps*, the lawyer imbibes a certain contempt of the cultivation of literature ; and if he should chance to be an admirer of the Muses, his intercourse with them is a profound secret : were it known, it would be injurious to his character as a man of business ; the publick opinion would be against him.

But whatever may be the causes, either general or particular, which oppose the progress of knowledge in Sicily, causes which we have not been able to point out, we are under the necessity of admitting, that from 1790 to 1803 that island has afforded a very abundant literary harvest. Among these productions there are undoubtedly some which good taste must consign to oblivion ; but a flower discovered on a parched soil, or amid the rigours of winter, though pale and weakly, still

gives us one pleasurable sensation—that of surprise. We are naturally inclined to speak of it with a certain degree of interest.

In a country where the censorship is extremely severe, it cannot be expected that we should mention many works on theology. If we except a translation of “Lyttelton’s Evidences of the Truth of Christianity,” a “Life of Jesus Christ compiled from the four Evangelists,” and one or two other works of the same kind, all the rest are mere polemical works more than a century behind-hand. For example, *Discorso contra gli Ebrei e gl’increduli sulla verita della resurrezione di Gesu Cristo—L’Empieta della dottrina Ariana, conculcata e convinta nel gloriosa martirio di S. Ermenegildo Re d’Andalusia*. It should be observed, that this last is a tragedy in five acts. But a still more remarkable work, written by a monk, named Gaetano Verga, is entitled, *La gran dignita del santissimo Rosario*. This monstrous production, notwithstanding the pious blasphemies with which it swarms, had escaped the severity of the censorship : it was the publick papers that first pronounced an anathema against the author. We shall endeavour to convey some idea of its subject. The Devil appears before the tribunal of the Saviour, and complains bitterly that the blessed Virgin, by the institution of the Rosary, daily deprives him of many worthy souls, who would otherwise fall into his clutches. Jesus Christ immediately dispatches the angel Gabriel to summon his mother to appear, because, as he says, he is determined to comply strictly with all the necessary formalities. The parties speak in their own behalf ; but the monk, with inconceivable stupidity, makes his devil plead with such warmth and ability, that Jesus Christ may justly be suspected of partiality in giving a verdict in favour of his mother. The author knows no merit superior to that of the rosary ; its virtue is universal. The angel Gabriel concludes with putting all the good actions of men into one scale, and a rosary into the other : it outweighs them.

It would appear from the preceding observations that Sicily ought to abound in good works on jurisprudence. This, however, is not the case. They are, for the most part, mere compilations : in that philosophical spirit which generalizes their utility they are absolutely deficient. Nothing that has appeared on this subject deserves to be mentioned, unless it be the “Introduction to the jurisprudence of Sicily,” by Doctor Ro-

sarios Gregorio, a lawyer equally distinguished for extensive information and sound philosophy.

The establishment of the first anatomical theatre in Sicily, by Caramanico, proves how little progress has been made in that country in the medical art: it has, however, begun to be more attentively cultivated. Chemistry, in particular, has become a favourite study of the Sicilians, and the works of M. Fourcroy are held in high estimation. Some of the most distinguished literati have devoted their attention to the natural history of the country; and the family of Gioeni, of Catanea, possesses a cabinet interesting both for its richness, and for the regularity and taste which pervade it. Others, more or less important, exist in every town of Sicily; but it is necessary to seek the company of the proprietors, because they are not accustomed, like those of other countries, to publish their observations. Every one is acquainted with the catastrophe that befel the manuscript of the canon Recupero, the invaluable result of observations made for a long series of years on Etna; but this loss is in part repaired by the labours of Francesco Ferrara, professor at the university of Catanea, who has given us, in his *Storia generale dell' Etna*, an ample description of that mountain, the history of its explosions, and a catalogue of its productions. This work, from the importance and the number of geological observations in particular, may be considered as one of the most interesting parts of the researches into the natural history of volcanoes in general. The work of Doctor Vincenzo Rijolo, on the mineral waters of Sicily, may likewise be mentioned with approbation.

The mathematicks present a more abundant harvest; without noticing several elementary works of merit, it cannot be doubted that the writings of the celebrated Piazzì will form an epoch in the literary history of Sicily. We shall not quote their titles; all Europe is acquainted with them; but the detached pieces which he has successively inserted in the "Philosophical Transactions," and other periodical publications printed at Milan and Modena, are not so well known.—They consist of "*Corrispondenza Italiana*;" "*Lettere sull' astronomia*;" and his last work is entitled, "*Stellarum inerrantium positiones*." Another performance by him, "*Su i movimenti delle Lisse*," will speedily appear. Natural philosophy has likewise been cultivated with success since the time of Caramanico. This is proved by *P. Eliseo Physicæ experimentalis Elementa*;

J. Z. Cantarella Physicæ experimentalis Cursus, and Introduzione alla Fisica, by the celebrated Abbate Seina, which has just made its appearance.

But the Sicilians are very far from having made any progress in erudition. They have recently published, it is true, a new edition of ancient classick authors for the use of the university of Palermo; but it is only a reprint, and frequently a faulty one, of the text. Of various translations which are not above mediocrity we shall say nothing. The "Anacreon" of Valguarnera is no more a translation from the original than the "Theocritus" of the Count Gaetani. It is to be regretted that the Marquis de Natali, who, in his translation of Homer, has so skilfully introduced all those beauties which embellish that of Cesarotti, and avoided his defects, should have stopped short at the fourth book of the Iliad. The imposture of Vella has not been wholly useless to Sicily; for it has excited a taste for the study of the Arabick. Morso, professor of the Oriental languages at Palermo, has published an edition of "Lokmann's Fables," to which he has annexed an Arabick Grammar and Dictionary. The Abbate Pasqualino has established a claim to the gratitude of the republick of Letters by his *Vocabulario Siciliano etimologico Italiano e Latino*, in five volumes. The Dictionaries of Escobar and of Bordo have rendered this work necessary; and if it does not possess all the perfection that could be wished, yet if we reflect on the multiplicity of different dialects, and that each town of Sicily has one which is peculiar to itself, we shall be obliged to admit that Pasqualino has gloriously acquitted himself of the laborious task which he undertook. His vocabulary is not only valuable for Sicily, but philology in general must attach to it considerable importance: for, considering the relations and approximations of these different dialects to the ancient languages, it were to be wished that some scholar, who would not, like Pasqualino, suffer himself to be too often led away into idle researches on the etymology of words, would take the trouble to prune and to improve it.

Sicily has not yet produced any works of importance on coins, if we except the performance of Prince Torremuzza, who was the first that inspired his countrymen with a taste for researches of this kind. Every town, indeed, has its medalist, who, notwithstanding the great exportation, never fails to acquire a fortune: but with the Sicilian this science is, as

yet, nothing more than the passion of hoarding. Among the private collections that of the Baron d'Astuto at Noto, and that of the family of Biscari at Catanea are most worthy of notice. The publick is still expecting the work promised by Calcagni, of Naples, on the numismatography of his native country. The writings of the Chevalier Saverio Landolina, which will principally relate to the researches undertaken by him in the vicinity of Syracuse, will appear without delay. Of all the Sicilian literati, Landolina is perhaps the only one who has properly seized the spirit of antiquity : this he has proved by his commentaries on Homer, Hesiod, Theocritus, and several other ancient authors.

The very particular care with which the Italians collect the history of their country, forms a trait in their national character : and though we so rarely find among their historians traces of that philosophick spirit which guided Machiavel and Guicciardini, yet we are obliged to allow them, in this respect, a distinguished rank among the nations of Europe. Their researches, however, are replete with too minute details, and while they furnish rich materials for the future historian of Italy, they will render his task extremely laborious by this very super-abundance. Some idea of these stores may be formed from the catalogue published by the Marquis de Villabianca : *Catalogo di tutti i parti litterati editi ed inediti intorno alla Storia Sicula Palermitana*, 1794. The celebrated historiographer Paolo di Blasi is reproached, perhaps with justice, for having written rather a history of the Viceroy's of Sicily than of the nation, in his *Storia cronologica de vice-rè, luogotenenti e presidenti del regno di Sicilia* ; but it is not less true that he has successfully treated the most difficult period of the annals of his country. Rosario Gregorio enjoys a well-earned reputation. His *Bibliotheca scriptorum, qui res in Sicilia gestas sub Aragonum imperio retulere*, causes his "History of the Government of Sicily," which will speedily appear, to be expected with impatience. Another valuable work, by the same author, *Rerum Arabicarum quae ad historiam Siculam spectant ampla Collectio, Arabice et Latine*, 1790, folio, raised up against him in Vella an opponent, who, however, obtained but a very transient success. We shall likewise mention here with commendation, *Paolo d'Avolio Saggio sopra lo stato presente della poesia in Sicilia, per servire alla Storia della letteratura nazionale*

del Secolo XVIII. though in many places he is not perfectly free from the reproach of partiality.

Statisticks, so generally cultivated in all the rest of Europe, is a science almost entirely neglected in this island. Emmanuel Sergio is engaged in a work on the commerce of Sicily, but his plan is too extensive, so that there is reason to apprehend that he will never be able to accomplish it.

Though the Sicilians have not addicted themselves so much to the abstruse researches of metaphysics, they are not less philosophical than their neighbours on the continent of Italy. The literature of France and England is better known in Sicily than in all southern Italy. A single glance at the booksellers' shops in the street of Cassero at Palermo, is sufficient to convince you that foreign literature possesses a decided advantage over that of the country. The works of the most esteemed philosophers are there read in the original; but only one work of Bonnet's has yet been translated, *Contemplazione della Natura con nuove note ed osservazioni dell' Abb. Fr. Ferrara*, and nothing of Locke's but his logic.

It is a remarkable circumstance that the journals and other periodical works which have hitherto appeared in Sicily, and many of which are justly regretted, have had but a very transient existence. Such are the *Effemeridi enciclopediche*; *Saggio di la Storia Sicula*; *Giornale ecclesiastico di Sicilia*; *Notizie litterarie*; *Nuova raccolta degli autori Siciliani*, &c. &c. You every where discover with pleasure traces of an intimate acquaintance with foreign literature; a high commendation, which cannot be conferred on the rest of Italy. The best German works are translated into the dialect of the country.

Every Sicilian, who prentends to any education, is a poet; pastoral poetry is their favourite branch. But most of these sons of Parnassus fortunately possess the good sense not to be desirous of shining except in the circles which they frequent. They write in the idiom peculiar to themselves, and hence it very frequently happens that what is thought charming at Palermo is not understood at Syracuse. Meli is their model; this poet enjoys the highest reputation, and the new edition of his works is expected with an impatience of which it is impossible to form any idea. All its contents are already known by heart. This is of no consequence; he is the fashionable author; the whole nation, nay even his rivals have decreed him the crown. Count Caesar Gaetani, author of a poem en-

titled *Piscagioni*, might, perhaps, have aspired to a reputation equally splendid. The tunny fishery is an amusement of which all the inhabitants of the coasts of Sicily are passionately fond. This fishery is a kind of national festival which continues several days successively ; but Gaetani has employed the Tuscan dialect, which is not generally known in Sicily. Besides, his verses have not the native simplicity of Melis. Zanotti, Poli, Bondi, have likewise printed collections of poems. Procapio has translated Gessner's "Death of Abel," but none of those works produced any great sensation. Dramatic poetry is neglected to such a degree, as cannot be conceived unless it be known that the dramattick art itself found in that country but a very small number of partizans. The theatres are commonly empty, and those who go to them for pastime are frequently unable to tell, on leaving them, what piece they have seen represented. The reason of this indifference, unparalleled among civilized nations, is, that the Sicilians have not yet, properly speaking, either a national theatre or national plays. The performances are Venetian pieces, in the Venetian dialect ; consequently both the language and the national character, so very different from those of Venice, oppose the progress of this art in Sicily. It may be even generally asserted that the taste for the fine arts is not yet expanded among the natives of that island. Though they possess a Pietro Novelli, an Antonio Gaggino, though their churches abound in valuable pictures of more than one kind, the Sicilian is not an artist ; they have not yet produced either painter or statuary whose name is worthy of being handed down to posterity. Those among them who are gifted by nature with any particular talent are obliged to flee their country to obtain the reward due to their merit, unless they choose rather to profane their art and to vegetate all their lives. Velasquez, the painter of Palermo, affords a striking demonstration of this melancholy truth : having resolved not to quit his island, his talents and his fortune have not risen above mediocrity. Mariano Rossi was more wise or more fortunate. He obtained at an early age considerable reputation by various performances at the Villa Borghese. He returned to his native land only for a time, for the purpose of painting the dome of the cathedral of Palermo. This is the greatest of his works. Though his figures are often defective in the proportions, though his colouring, which is too yellow, fatigues the eye, still the com-

position and the whole denote a man of genius. Among the statuaries we shall mention but one, Marabitti, and he scarcely deserves the name.

One of the most beautiful monuments of modern architecture, the church of St. Laurence the Martyr, at Trapani, has recently been finished. Don Diego de Luca, an ecclesiastick, was the architect who superintended its erection. Italy has not, perhaps, a monument of its kind in a style more simple and more majestick.

From the London Monthly Repository.

On the effects of the industry of the literati of Germany on the literature of that country; and on the influence of the four last years of war upon it.

By John Chr. Huttner, Esq. of the Foreign Office.*

IF we consider the German literati in a general point of view, we discover in them an industry, a diligence, and an avidity for every thing that can be learned or read, of which it is impossible to form a conception in any other country. All who make literature a profession are, more or less, egotists, and banished from the real into the speculative world; but the literati of Germany are more so than any other. The prodigious demands made upon them by the general example of their countrymen, draw a very distinct line between them and the other classes of society. Let a foreigner visit the German universities, he will find that most of the teachers of reputation either rise at four in the morning, or continue their labours till late at night, because the greatest part of the day is occupied in lectures, of which many of them are obliged to hold six or seven, in order to subsist, because their salaries are very low. With their families they commonly converse only during meals; and if, for the sake of decorum, they are obliged to spend a few hours in social recreations, they complain that they are robbed of their time. Hence one half of the teachers in German universities die in the flower of their age, and the other half resemble living skeletons. But few,

* From the *Treue Verkündiger*, a German newspaper published twice a week in London.

who either possess an iron constitution, or practise the greatest temperance, preserve their health and attain an advanced age. Of this character, all the other literati of Germany more or less partake.

Their extraordinary industry has consequences of two kinds. The bad are, multiplicity of knowledge, eagerness to acquire languages, superficialness, the immoderate multiplication of books, excessive literary curiosity, and an accumulation of journals of every kind.

Among the beneficial effects may be reckoned, an ardent desire of accuracy, unexampled multitude and excellence of all literary auxiliary works, an impartial judgment respecting foreign literary merit, and a just estimation of native talents.

With regard to solicitude for multiplicity of attainments, there is at present no nation which is so deeply and so generally infected by it as the German. Their academical institutions are distinguished from all others by the multitude of things which are taught in them. It is true that, in the regions of science, every part has a connection with the rest ; and that, whoever wishes to produce something excellent and solid, must possess an extensive general knowledge : but the grand question is—Where ought this generality to cease ? In the great German schools and gymnasia, students are generally taught Latin, Greek, (those intended for the church, also Hebrew,) French, Italian, and English ; besides mathematics, natural philosophy, geography, history, music, dancing, fencing, and drawing. At the universities they not only attend to the studies connected with their particular profession, but in general embrace the whole circle of the sciences into the bargain. Thus each of the German literati becomes a kind of encyclopædia. The Germans are particularly partial to the study of the languages. The acquisition of the modern, that is, of French, English, and Italian, is so common, that you meet with very few of the literati of consequence but what understand them ; and, on the other hand, with great numbers who have made themselves masters of all the polished languages of Europe ; so that this is no longer a rarity. Hence it is that collections of French, English, and Italian authors, are even now, notwithstanding the pressure of the times, printing in several places of Germany at once, and have a rapid sale. But, even with these extensive attainments, many are not satisfied ; but learn, besides, the Oriental and Slavoni-

an dialects. Adelung, Schlözer, Johannes Müller, Büsching, the two Sprengels, Reinhold Forster, David Michaelis, Herder, Jenisch, Hasse, &c. are among those lately deceased, the most remarkable examples in this respect, especially as all these writers were by no means merely linguists, but only availed themselves of those acquisitions to attain a higher degree of perfection.

Among the great living linguists of Germany, we may mention the following: Professor Eichhorn, of Göttingen; Professors Vater, Curt Sprengel, and Ersch, of Halle; Professors Beck and Wenk, of Leipzig; Böttiger, of Dresden; Voss, of Heidelberg; and Schneider, of Frankfurt on the Oder; to whom might be added a considerable number of others. Of these latter also, it may be asserted that they have all employed their knowledge of languages to the attainment of higher objects, and distinguished themselves as divines, physicians, antiquaries, poets, historians, &c.

When this polyhistory is combined with real genius, it produces superior men, and works that a nation may justly be proud of, as the excellent performances of the abovementioned writers evince. This, indeed, is but rarely the case. A multitude of imitators, not gifted with the intellectual digestive faculties of these eminent literati, overload themselves, and become superficial. This defect is unfortunately much more common at present in Germany than formerly; and the only difference between it and the superficialness of the French, is, that it is less ostentatious, and chooses rather to envelope itself in the mantle of pedantry; but, on this account, it is not less detrimental to genuine literature, and generates the *cacoëthes scribendi*, a disease which may be regarded as indigenous in Germany, and which, apparently, it is not easy to cure. Too harsh a picture of it can scarcely be drawn. It will be sufficient for our present purpose, to refer to the fair catalogues for about twenty years down to 1806, and to *Meusel's Gelehrtes Deutschland*. The host of German writers is truly formidable. It is but natural that a person who writes a great deal, can very seldom or never write well; and, consequently the readers of these hasty productions are supplied with a very inferior kind of food for the mind.

One of the most pernicious consequences of this is, as the most eminent literati universally complain, that people grow indifferent to old works of real excellence, eagerly hunt after

novelties, and admire many piratical productions because they are not acquainted with the sources whence they were derived. In short, the whole republick of letters in Germany is labouring under so violent an attack of literary curiosity as cannot be paralleled in any other country. There are Englishmen who regularly read six or eight newspapers every day, and would rather dispense with many other pleasures than be deprived of this. A learned German shakes his head at it, and wonders how any body can waste the precious moments in reading such trash; forgetting that he himself is as strongly attached to the countless literary journals, which spring up in Germany like mushrooms, and whose numbers have been but little diminished by the four last calamitous years.

There can never be any want of these literary dainties, since such an inconceivably industrious nation must naturally, not only bring to market a prodigious, though motly stock of its own productions, but with the utmost assiduity collects the honey from foreign flowers. Many confine themselves entirely to this kind of reading, and the avidity for journals cannot therefore fail to be prejudicial to graver studies, because people easily addict themselves to the bad habit of dwelling but a short time upon any subject, and being satisfied with a superficial acquaintance with many. All polished nations it is true have journals, but, we believe, they appear no oftener than monthly; while the German literati, on the contrary, are so incapable of restraining their curiosity, that their literary gazettes, intelligencers, &c. must appear daily or every other day. To gratify this inordinate love of novelty, the proprietors of these literary journals, in time of peace, keep agents in different countries, to ensure the earliest communication of literary intelligence, in the same manner as the principal London newspapers have political correspondents abroad; and in the German literary institutions, museums, book-clubs, &c. you will see the visitants nine times out of ten engaged with journals, whereas the books at those places are seldom taken down from the shelves. There are likewise few political newspapers in Germany but what introduce literary intelligence, without which a German newspaper seems destitute of seasoning. If the reviews of a critical journal never rise above mediocrity, it has no occasion to fear a falling off in its sale, if due industry be bestowed on its intelligence, the article

which is most read. Students at the universities, and very often even at school, read these periodical publications with an avidity which proves highly detrimental to their studies, as it interrupts that tranquillity, and checks that torrent of exertion, which are necessary in juvenile years, if maturer age shall produce any thing of importance.

What is pernicious to the weaker tends to invigorate the more robust. Solidity, which is an ancient characteristic of German literature, and enables us to boast of celebrated names in every branch of human knowledge, and at every period, could not be attained unless the German literati were anxious to possess themselves of every thing that has been printed in their particular department. It is this very anxiety to make themselves acquainted with the productions of all their predecessors that renders them interesting and instructive. It was formerly common to ridicule this spirit of minute investigation, which was denominated pedantry and want of taste; neither is it to be denied that many of our writers are chargeable with those defects. But since the Germans directed their attention also to the style, and have combined elegance with solidity, it is in this very virtue that we must look for the cause why their works are now sought after by nations who were polished at an earlier period. If, as we have already admitted, there are many superficial writers in Germany, it is, on the other hand, universally acknowledged, that a very considerable number of men of genius are striving to check this evil, and maintain the ancient reputation of solidity, which is so commendable a trait in the national character.

Another good effect of the extraordinary literary activity of the Germans, is, that they possess the best auxiliary works. This advantage cannot be denied by any person who is acquainted with our literature; and it is of such importance, that this alone ought to be an inducement to foreign literati to learn our language. It will be sufficient to mention a few German works of general utility. Such are Meusel's and Eichhorn's Histories of Literature; Brucker's and Buhle's Histories of Philosophy; Sulzer's and Blankenburg's General Theory of the Fine Arts; Büsching's Geography; Ebeling's Geography of North America: Michaelis' Introduction to the New Testament; Eichhorn's Introduction to the Old Testament; a series of extremely useful polyglot works by Nemnich; Röding's polyglot Marine Dictionary; the great and

yet unfinished History of the Sciences of the Göttingen Literati, commenced by Eichhorn; Sprengel's History of Medicine; Meusel's Bibliotheca Historica, begun by Struve; Jöcher's and Adelung's Dictionary of Literati; Wolf's, Köcher's, and Eichhorn's Hebrew Collection; Fabricius's *Bibliotheca Græca*, with additions by Harles; the same author's *Bibliotheca Latina*; Eckhel's *Doctrina Rei Nummariae*; Scheusner's Dictionary of the New Testament; Diendorf's Dictionary of the Old Testament; Schneider's Greek, Scheller's Latin, Schwan's French, and Wagner's Spanish Dictionary; Fischer's Dictionary of Natural Philosophy; Funke's Dictionary of Ancient Literature; Busch's History of Inventions; Ersch's Repertory of Literature; Meusel's Literati of Germany; Ersch's Literati of France; and Forster and Reuss's Literati of England. All these works are of extraordinary utility to persons engaged in literary pursuits; they spare the pains that may be bestowed on something more important, and supply, at least in some measure, the want of extensive libraries. How far the literature of Germany surpasses that of other countries in this respect, will best appear by a comparison of the above-mentioned works with similar ones of the other polished nations. To this end, it is sufficient to place the mere titles against one another; and a complete catalogue of these may be found in Meusel's Clue to Literature (*Leitfaden der Litteratur*), a work which ranks with the most useful, and to which no other nation can produce an equal, or even one of a similar kind.

But the rage for collecting from every country in which literature is cultivated, is attended also with this consequence, that the Germans esteem the literary merits of foreigners more highly than other nations are accustomed to do. In this point many of them go too far. Translations from all the polished languages in the world are incessantly going forward. "Thuisikon's people," says a German poet, (Cramer), "treat no foreigner with contempt; rich, without pride, they bestow due honour on every nation, even though envy is silent on the subject of their merits."

(To be continued.)

THERMOMETRICAL OBSERVATIONS, &C. NOVEMBER, 1810.

	Greatest hea	Least heat.	Mean heat.		Fall of rain.
1	44°	22°	34.60	Fair, hazy.	
2	30	26	27.60	Snow.	
3	32	26	28.75	Fair.	
4	36	24	29.33	Do.	
5	46	24	37	Do.	
6	53	38	44.33	Do.	
7	45	30	37.40	Do.	
8	51	31	43	Cloudy.	
9	51	41	46.50	Slight rain.	
10	49	45	46.40	Cloudy.	
11	50	47	48.33	Do. rain.	,55
12	50	44	47	Cloudy.	
13	54	41	48.25	Do.	
14	58	48	53.25	Do.	
15	66	52	57.66	Rain, fair.	,10
16	63	44	56.20	Showery.	,50
17	43	31	38	Fair.	
18	48	30	39.80	Do.	
19	50	45	48.66	Cloudy, rain.	1,90
20	64	45	55.14	Fair.	
21	42	30	35.83	Do.	
22	45	34	39	Do.	
23	38	32	34	Slight snow.	
24	36	24	30.40	Fair.	
25	47	23	37.50	Do.	
26	43	35	40.80	Cloudy, rain. }	1,20
27	54	40	49	Do.	
28	47	34	40.50	Fair.	
29	46	30	39.16	Do.	
30	46	38	42.80	Rain.	,30

Inches, 4,55

15th. Greatest heat 66° } Extreme 44°
 1st. Least heat 22° }

Mean heat 41,759.

Number of observations 148.

The diurnal mean heat is deduced from a number of observations made from 7 o'clock A. M. to 10 o'clock P. M.

Slight rains, and those of no visible depth.

W. C.

THERMOMETRICAL OBSERVATIONS, &C. DECEMBER, 1810.

	Greatest heat.	Least heat.	Mean heat.		Fall of rain.
1	48°	31°	39.50	Fair.	
2	40	28	34	Do.	
3	38	30	35.50	Sleet rain.	,6
4	36	30	32.80	Snow, say 3 inches.	
5	41	28	32.20	Fair.	
6	40	25	33.78	Do.	
7	42	23	35.83	Do. cloudy, slight	
8	42	30	35.67	Fair. [snow.	
9	34	21	27.50	Do.	
10	47	24	38.75	Do. cloudy.	
11	30	23	27.50	Fair.	
12	33	17	27.16	Do. cloudy, snow,	
13	30	22	25	Fair. [say 9 inch.	
14	34	20	28.57	Do.	
15	32	13	25.50	Hazy.	
16	41	22	34.43	Fair.	
17	25	12	18.33	Do.	
18	24	10	15.29	Do.	
19	45	20	32.75	Do.	
20	42	30	35.50	Do.	
21	40	31	34.14	Sleet.	
22	45	31	39.60	Do.	
23	36	24	30.80	Fair.	
24	40	24	34.50	Do. hazy.	
25	44	22	34.50	Do. do. fair.	
26	29½	13	23.58	Fair, hazy, slight	
27	37	19	30.33	Fair. [snow.	
28	48	32	40.50	Cloudy.	
29	60	45	52.60	Fair.	
30	44	34	38.60	Cloudy.	
31	33	24	29.75	Snow, say 2 inch.	

Total of rain 0,6 Inches.

29th. Greatest heat 60° }
 18th Least do. 10° } Extreme 50°

Mean heat, 32.35.

Number of observations, 170.

The diurnal mean heat is deduced from a number of observations made from 7 o'clock, A. M. to 10 o'clock, P. M.

Slight rains, or snows, and those of no visible depth.

The actual fall of snow cannot be ascertained, but in an extensive forest. The depths above given are only conjectural.

W. C.

CATALOGUE,
OF NEW PUBLICATIONS IN THE UNITED STATES.
FOR JANUARY, 1811.

Sunt bona, sunt quaedam mediocria, sunt mala plura. Mart.

NEW WORKS.

* A Sermon delivered at Trinity Church, Christmas Day, December 25, 1810, on the Divinity of Jesus Christ. By John S. J. Gardiner, Rector. Published at the request of the hearers. Boston, Munroe and Francis.

Part III. Vol. II. Reports of Cases adjudged in the Supreme Court of Pennsylvania. By Horace Biney. Boston, D. Mallory and Co.

A Discourse delivered at the opening of the New Meeting-House, belonging to the Second Baptist Church Society in Boston. By Thomas Baldwin, D.D. Pastor of said church. Boston, Lincoln and Edmands.

* The American Review of History and Politicks, and general Repository of Literature and State Papers. No. 1. January, 1811, to be continued quarterly. Philadelphia; Fry and Kammerer Printers.

* A Funeral Discourse, delivered at the interment of the Rev. Nathaniel Noyes, in the North Congregational Church of Newburyport, Dec. 14, 1810. By Samuel Spring, D. D. Newburyport; E. W. Allen.

A Narrative of the Proceedings of the Religious Society of People called Quakers, in Philadelphia, against John Evans, to which is added, a report of the evidences delivered on the trial of the case of John Evans, *versus* Ellis Yarnal and others. With an Appendix, compiled under the direction of John Evans. Philadelphia; Edward Earle.

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